United Nations A/AC.109/2018/8

General Assembly

Distr.: General
9 March 2018

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Gibraltar

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations as well as information provided by the Government of Spain and that available in public sources, including those of the territorial Government. Information was transmitted by the administering Power on 18 December 2017. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

18-03726 (E) 220318

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I. General

1. Gibraltar is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. According to the administering Power, the basis of the current relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is enshrined in the constitution of each Territory; sovereignty over Gibraltar was ceded to the United Kingdom by Spain under the Treaty of Utrecht in 1713, with territorial waters flowing from sovereignty over the land. For its part, Spain claims that, under article 10 of the Treaty, it ceded only the city and castle of Gibraltar, its port, defences and fortresses. Against the backdrop of its long-standing appeal to Spain and the United Kingdom to hold talks on the question of Gibraltar (see resolution 2070 (XX), adopted on 16 December 1965), in 2017, the General Assembly, in its decision 72/520, among other things, urged the Governments of Spain and the United Kingdom, while listening to the interests and aspirations of Gibraltar that were legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question, in the light of the relevant resolutions of the Assembly and applicable principles, and in the spirit of the Charter of the United Nations (see sects. VIII to X below).

2. The Territory is a narrow peninsula extending southward from the south-western coast of Spain, to which it is connected by an isthmus of approximately 1.6 km. The Spanish port of Algeciras lies 8 km across the bay to the west, and the continent of Africa is situated 32 km across the Strait of Gibraltar to the south. According to the administering Power, the area of Gibraltar is 5.8 km^2; according to Spain, which claims sovereignty over the Territory, it is 4.8 km^2. Issues relating to the isthmus and waters off Gibraltar continue to be a subject of contention.

3. In 2017, the population of the Territory was 33,573. The currency of the Territory is the Gibraltar pound, circulating at par with the pound sterling. The Territory's main trading and commercial transactions are with European countries, the United States of America and North African countries. The British Overseas Territories Act 2002 provides for the granting of British citizenship to citizens of British overseas territories.

II. Constitutional, legal and political issues

4. Under the Gibraltar Constitution Order 2006, the Government of Gibraltar consists of the elected ministers represented in the Council of Ministers together with the British Crown, who is represented in Gibraltar by the Governor. Lieutenant General Edward Davis has been the Governor since January 2016. In accordance with the 2006 Constitution, the Governor is responsible for the conduct of external affairs, defence, internal security (including the police, in conjunction with the Gibraltar Police Authority) and for certain appointments to public office as conferred on him by it. The elected Government of Gibraltar is responsible for all other matters.

5. Following an election, the Governor appoints a Chief Minister, who is the elected member of the Gibraltar Parliament who, in the Governor's judgment, is most likely to command the greatest measure of confidence among the members of the Parliament. Other ministers are appointed by the Governor, acting in accordance with the advice of the Chief Minister, from among the elected members of the Parliament. In accordance with the 2006 Constitution, the Parliament may make laws for the peace, order and good government of Gibraltar, while the British Crown retains full

power to make laws from time to time for the same above-mentioned purposes. According to the administering Power, such powers have not been exercised by the British Crown since the 2006 Constitution came into force. The 2006 Constitution also makes provisions regarding Crown lands in Gibraltar.

6. Gibraltar has a supreme court allowing for appeals to a court of appeal and subsequently to Her Majesty in Council, acting on the advice of the Judicial Committee of the Privy Council.

7. The Gibraltar Socialist Labour Party/Liberal Party of Gibraltar alliance headed by Fabian Picardo won the general elections held on 26 November 2015 with 68 per cent of the votes, winning 10 seats in the Parliament, against 31 per cent for the Gibraltar Social Democrats, which won the remaining 7 seats, with 0.6 per cent of votes rejected. Mr. Picardo was re-elected as Chief Minister. The next election is expected to be held in 2019.

8. Under the 2006 Constitution, it is recognized that, without prejudice to the administering Power's ultimate responsibility for Gibraltar's compliance with European Union law, matters that are the responsibility of the elected ministers shall not cease to be so even though they arise in the context of the European Union. Following the creation of a new electoral region, for the purposes of the European parliamentary elections only, consisting of Gibraltar and the south-western region of England (known as the "combined region"), Gibraltarians took part in European parliamentary elections for the first time in June 2004, and again in June 2009 and in May 2014. Voters in Gibraltar participated in the referendum on the membership of the United Kingdom in the European Union, on 23 June 2016, and 96 per cent voted to remain in the European Union. At the sixth meeting of the Overseas Territories Joint Ministerial Council, held in London on 28 and 29 November 2017, the United Kingdom reaffirmed that it was responsible for representing the priorities of the overseas territories in exit negotiations and that a clear objective of the negotiations was to achieve an agreement that worked for all parts of the United Kingdom family.

9. The United Kingdom continues to believe that, as a separate Territory recognized by the United Nations and included since 1946 in its list of Non-Self-Governing Territories, Gibraltar enjoys the individual and collective rights accorded by the Charter of the United Nations. The United Kingdom also believes that the people of Gibraltar enjoy the right of self-determination. The administering Power is clear that the 2006 Constitution sets out the relevant competences for the Governments of the United Kingdom and Gibraltar.

10. For its part, the Government of Spain maintains the position that the 2006 Constitution does not affect the international capacity of Gibraltar; that its adoption was a reform of the colonial regime, which remains unaltered; and that it did not affect in any way the pending decolonization process of Gibraltar, to which the principle of territorial integrity applies, not that of self-determination, as stated in General Assembly resolution 2353 (XXII). In that context, the Government of Spain stresses that the participation of Gibraltar in any international instrument must be made through the United Kingdom as the administering Power responsible for the international relations of the Territory, including in the fields of international financial services, human rights and the environment.

III. Budget

11. According to the administering Power, as at March 2017, the revenue of the territorial Government for the fiscal year 2016/17 was £653.8 million and its expenditure stood at approximately £598.0 million. For the fiscal year 2017/18, the territorial Government estimated its overall government revenue at £614.9 million, with an overall government expenditure budget of £596.6 million. Of the estimated revenue in 2017/18, income taxes represent the largest share (45 per cent), followed by duties, taxes and other receipts (28 per cent). In addition, the territorial Government approved £64.7 million in expenditure on capital projects for 2017/18, to be funded through the Improvement and Development Fund, an increase from £47.7 million in 2016/17.

12. The Government of Spain recalls that the European Commission has been carrying out an investigation into the tax regime of Gibraltar. Spain considers that Gibraltar is a tax haven and that under that regime the profits obtained abroad by companies registered in Gibraltar are not subject to taxation. In October 2016, the European Commission decided to extend its ongoing investigation into Gibraltar's corporate tax regime to the latter's practice of granting tax rulings to some companies.

13. On the other hand, the administering Power maintains that Gibraltar adheres to all relevant European Union directives in relation to financial supervision and regulation, direct taxation and the fight against money-laundering.

IV. Economic conditions

A. General

14. Gibraltar has no known natural resources and lacks agricultural land. The economy has increasingly focused on tourism and the provision of financial services, including banking, insurance, shipping and portfolio management, in addition to online gaming. The forecast gross domestic product (GDP) of Gibraltar grew to £1.907 billion in 2016/17, with an estimated GDP per capita of £56,612. The preliminary estimate of GDP for the period 2015/16 is £1.75 billion, increasing by 8.5 per cent (£137.5 million) from 2014/15.

15. Before 1980, the economy was largely dependent on expenditure by the Ministry of Defence of the United Kingdom. According to the administering Power, the situation changed dramatically over the years as United Kingdom military spending went from accounting for 60 per cent of the Gibraltarian economy to accounting for less than 6 per cent. Furthermore, according to the administering Power, in 2017, the Ministry of Defence employed some 500 local civilians and 350 regular and reserve personnel of the Royal Gibraltar Regiment.

B. Banking and financial services

16. According to the administering Power, Gibraltar has a well-developed private financial sector that is regulated by the Financial Services Commission. The regulatory scope extends to all forms of financial services, and Gibraltar's legislation, systems and administrative practices, which, in the view of the administering Power, are in full compliance with its European Union obligations, have been independently tested through reviews conducted by the Financial Action Task Force, the

International Monetary Fund and others. Gibraltar is also participating in the national risk assessment and peer review process of the Task Force.

17. Tax evasion is a predicate offence for money-laundering and subject to the reporting of suspicious transactions. The Financial Intelligence Unit of Gibraltar, as a member of the Egmont Group of Financial Intelligence Units, systematically shares information with other members of the Group. According to the administering Power, Gibraltar has agreements on the exchange of tax information with 104 countries and territories, of which 88 are in force, including with Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Malta, the Netherlands, Poland, Portugal and Sweden. Since September 2015, tax information has been provided to the United States, the first country with which Gibraltar had made such an agreement, in accordance with the Foreign Account Tax Compliance Act agreement on the automatic exchange of information, and, since September 2016, with the United Kingdom under a similar agreement, the International Co-operation (Improvement of International Tax Compliance) (United Kingdom) Regulations 2015. Regulations for the automatic exchange of information with member States of the European Union, the International Cooperation (Improvement of International Tax Compliance) Regulations 2015, came into force in January 2016 in order to fulfil the requirements of the Common Reporting Standard of the Organization for Economic Cooperation and Development (OECD). Furthermore, the Fourth Anti-Money Laundering Directive of the European Union and the register of beneficial ownership came into force in the Territory on 26 June 2017.

18. On 14 October 2015, the Committee of Ministers of the Council of Europe adopted a resolution by which it agreed to the request of the United Kingdom on behalf of Gibraltar to provide for the evaluation of Gibraltar by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism. Furthermore, in the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the overseas territories and the United Kingdom welcomed the progress made by the overseas territories with financial centres in implementing the arrangements set out in the exchange of notes on law enforcement exchange of beneficial ownership information, including establishing new and secure systems for the collection, exchange and use of beneficial ownership data, where they did not already exist. The Joint Ministerial Council also welcomed the cooperation of overseas territories in international efforts to promote tax transparency and tackle financial crime. It reiterated its commitment to showing leadership in tackling corruption.

19. The Government of Spain recalls that the European Anti-Fraud Office of the European Commission concluded in a 2014 report that there was reason to believe that crimes of tobacco smuggling and money-laundering from Gibraltar had been committed, affecting the financial and other interests of the European Union.

20. The administering Power indicates that legal opinions have since been obtained by the Government of Gibraltar which suggest that allegations in the report of the Office were unfounded.

C. Transportation

21. Enhancements to road transportation arrangements in and out of Gibraltar were agreed upon at talks held in Córdoba, Spain, in 2006. They included the introduction at the fence/frontier of lanes in both directions, and red and green channels for both people and vehicles. Proportionate customs and police checks remain necessary,

given that Gibraltar does not belong to the common customs territory of the European Union. Moreover, the United Kingdom and Gibraltar do not belong to the Schengen area for external border control purposes. In the view of the administering Power, since 26 July 2013, the Government of Spain has at times imposed disproportionate and time-consuming checks at the border between Gibraltar and Spain; while the situation has improved relative to the third quarter of 2013, it remains unpredictable.

22. The European Commission has dispatched three technical fact-finding missions to La Línea de la Concepción and Gibraltar, in September 2013, July 2014 and October 2015. The Commission issued recommendations to the authorities of the United Kingdom and Spain following its first two missions.

23. Spain stresses that the checks at the fence are carried out only to ensure strict compliance with legislation of Spain and the European Union, in particular the Schengen Borders Code and its procedures, and are in no manner politically motivated. The checks are essential for Spain to fulfil its obligations vis-à-vis the whole of the European Union and are especially necessary given that illicit trafficking of various forms is common in the area and that Gibraltar is neither in the Schengen area nor in the European Union Customs Union. Moreover, Spain underlines that the police and customs checkpoint at La Línea de la Concepción (the fence) does not correspond to the demarcation of the border recognized by Spain in accordance with the Treaty of Utrecht. Spain further stresses that it has fully complied with the recommendations of the European Commission regarding the management at the fence of the flow of persons, vehicles and goods and, in 2015, completed the restructuring of the customs checkpoint and the installation of 13 automatic electronic passport-reading machines in each direction, which has made transit more fluid.

24. The United Kingdom continues to be responsible for all international obligations relating to aviation safety and security in respect of the airport, a military airfield available for civilian flights, with the Ministry of Defence retaining ownership of and operational responsibility for the military aviation aspects of the airfield. According to the administering Power, legislation enacted by the Gibraltar Parliament provides for civil aviation safety and security, making civil aviation a responsibility of the Government of Gibraltar. Such responsibility continues to be rejected by Spain. Spain holds the position that the occupation by the United Kingdom of the isthmus on which the airfield was built is illegal and that it does not comply with public international law because it is not included among the areas ceded by the Treaty of Utrecht. For its part, the United Kingdom maintains that its sovereignty extends over the whole territory of Gibraltar, including its airspace and territorial sea.

25. The Strait of Gibraltar is a principal water route; the Territory's port facilities are used by many long-distance liners and cargo ships. According to the United Kingdom, it applies a three-nautical-mile area for British Gibraltar territorial waters (or less where the median line with other territorial waters applies), in line with the United Nations Convention on the Law of the Sea. According to Spain, it exerts its sovereign rights and jurisdiction over its territorial waters, including all maritime areas around Gibraltar (with the only exception being its port facilities).

26. The administering Power regularly challenges Spanish State vessels and protests to the Government of Spain about illegal incursions into British Gibraltar territorial waters by Spanish State vessels, citing articles 17 to 19 of the United Nations Convention on the Law of the Sea, on the meaning of innocent passage, and the Convention on the International Regulations for Preventing Collisions at Sea.

27. For its part, Spain states that what the United Kingdom describes as "illegal incursions" by Spanish vessels are routine activities of its ships in Spanish waters.

D. Tourism

28. The tourism sector recorded 10.1 million visitors in 2016, compared with 10.2 million visitors in 2015, a decrease of 0.6 per cent, marking the fifth year with a decrease (since 2012). Visitors by air (around 231,000) and by sea (around 421,000, mostly cruise passengers) increased in 2016, compared with 2015 (188,000 and 358,000, respectively), whereas visitors by land decreased slightly (approximately 9,464,000 in 2016, compared with 9,626,000 in 2015). Furthermore, according to the territorial Government, air arrivals in the first quarter of 2017 continued to increase by almost 14 per cent, compared with the same period in 2016.

V. Social conditions

A. Labour

29. In 2016, there were 27,073 jobs in the Territory, compared with 26,144 in 2015, an increase of 3.6 per cent. According to the administering Power, as at October 2016, the distribution of jobs among the five largest industrial sectors was 3,716 in banking and finance, 3,494 in gambling and betting, 3,145 in building and construction, 2,717 in retail and wholesale trade and 2,403 in health and social work; the unemployment rate stood at 1.79 per cent of the resident population and 1.31 per cent of the total workforce, which included frontier workers.

B. Social security and welfare

30. The social security and welfare sectors in Gibraltar continue to be governed by various social security acts, as mentioned in previous working papers, covering areas such as employment injury, disablement and industrial death benefits, unemployment benefits, maternity grants and allowances, death grants, old-age pensions, survivor's benefits and guardian's allowances.

C. Public health

31. The Gibraltar Health Authority, a department of the territorial Government, is responsible for providing health care in the Territory. The territorial Government continues to cope with the needs of older persons.

D. Education

32. Education in Gibraltar is free and compulsory for children between 4 and 15 years of age. The language of instruction is English. Public education comprises 11 primary and 2 secondary schools, in addition to the Gibraltar College of Further Education and the Vocational Training Centre, serving more than 5,000 students. The Territory's literacy rate is assumed to be nearly 100 per cent. The University of Gibraltar officially opened in September 2015 and 278 students (66 per cent women, 34 per cent men) were enrolled in the 2015/16 academic year.

33. According to the administering Power, government expenditure on education during the fiscal year ending in March 2017 was around £47.4 million, of which expenditure on improvements to school buildings accounted for approximately £1.7 million. In the 2017/18 budget, £49.84 million was allocated to education. Students who obtain a place at a university in the United Kingdom are entitled to scholarships from the Government of Gibraltar. In 2017, 1,041 students attended universities in the United Kingdom.

E. Crime and public safety

34. Law enforcement in the Territory is the responsibility of the Royal Gibraltar Police, in conjunction with the Gibraltar Police Authority. The Governor has overall, ultimate responsibility for the integrity, probity and independence of policing in Gibraltar and for the policing aspects of national security, including internal security.

35. According to the administering Power, the Royal Gibraltar Police had a budget of £15.25 million in 2016/17, providing for 239 officers and 36 support staff. In 2015/16, there were 3,318 crimes recorded by the Royal Gibraltar Police.

F. Human rights

36. The following major international human rights instruments apply in Gibraltar: International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and European Convention for the Protection of Human Rights and Fundamental Freedoms. The 2006 Constitution includes a chapter on the fundamental rights and freedoms of the individual. According to the administering Power, the Government of Gibraltar formally requested the extension of the Convention on the Elimination of All Forms of Discrimination against Women to the Territory in 2013 and of the Convention on the Rights of the Child in 2016. In addition, in October 2016, the Gibraltar Parliament adopted the Civil Marriage Amendment Act 2016, which made provision for same sex marriage.

37. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories reiterated their commitment to high standards in public life supporting and developing open and transparent institutions for democracy. They committed themselves to ensuring the political, economic, social and educational advancement of the people of the territories and their just treatment and protection from abuses. They discussed their shared resolve to continue to promote respect for human rights and compliance with international obligations in the territories and welcomed the constructive engagement of the territories in the preparations for the universal periodic review process of the Human Rights Council in that regard.

VI. Environment

38. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories committed themselves to continuing the practice of mutual engagement ahead of international forums on climate change, to ensure that the views and priorities of the overseas

territories were fully reflected in negotiations. It was agreed that a representative from the territories would attend the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in Katowice, Poland, from 3 to 14 December 2018, as part of the delegation of the United Kingdom. The United Kingdom reiterated its commitment to working with the overseas territories on the issue of the application of treaties concerning climate change to the territories, including taking forward the work to extend its ratification of the Doha Amendment to the Kyoto Protocol to those territories that had indicated their readiness for it, and through initial consultation with territories that had an interest in participating in meetings concerning the Paris Agreement to be held in the first half of 2018.

39. Spain considers it important for the Gibraltarian authorities to build a sewage treatment plant, in compliance with the law of the European Union, and recalls that, in its judgment of 4 May 2017 in *European Commission v. United Kingdom*, the European Court of Justice declared that the United Kingdom had failed to fulfil its obligations under the European Union directive on urban wastewater treatment, in Gibraltar.

40. According to the administering Power, the territorial Government had commenced a process to award the contract for the construction and operation of a wastewater treatment plant in Gibraltar. The process took longer than expected due to requirement to source the necessary technology for the operation of a system to process seawater, rather than drinking water.

VII. Forum for Dialogue on Gibraltar

41. Negotiations between the United Kingdom and Spain on the subject of Gibraltar led, in 2004, to the establishment of the trilateral Forum for Dialogue on Gibraltar. Since 2010, no meetings have been held. From 2012 to 2017, the United Kingdom expressed the desire to continue with the Forum and, in the interim, offered an informal, ad hoc dialogue involving, as appropriate, all relevant parties to the issues under discussion. Spain expressed the position that the Forum no longer existed and should be replaced with a new "ad hoc" mechanism for local cooperation in the interest of social well-being and regional economic development, in which the people of the Campo de Gibraltar and Gibraltar were represented. No ad hoc talks had been convened as at December 2017.

VIII. Future status of the Territory

A. Position of the administering Power

42. At the 2nd meeting of the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, on 2 October 2017, in a statement in exercise of the right of reply, the representative of the United Kingdom said that her Government recalled its sovereignty over Gibraltar and the territorial waters surrounding it and reaffirmed that, as a separate Territory recognized by the United Nations, Gibraltar enjoyed the rights accorded to it under the Charter of the United Nations, including the right to self-determination. She further stated that the 2006 Constitution of Gibraltar, which had been endorsed by the people of Gibraltar in a referendum, provided for a modern and mature relationship between Gibraltar and the United Kingdom.

43. She also stated that her Government would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes and would not enter into a process of sovereignty negotiations with which they were not content. The United Kingdom was committed to safeguarding Gibraltar, its people and its economy.

44. The representative went on to say that the United Kingdom was firmly committed to the Trilateral Forum for Dialogue, which was the most credible means of strengthening relations between the United Kingdom, Gibraltar and Spain for the benefit of all parties. She concluded that constructive and responsive engagement at the political level would enhance local cooperation and that it was therefore regrettable that Spain had formally withdrawn from those talks in 2012 (see A/C.4/72/SR.2).

45. At the 6th meeting of the Fourth Committee, on 6 October 2017, in a statement in exercise of the right of reply, the representative of the United Kingdom said that Gibraltar had a vigorous parliamentary democracy of its own and was responsible for everything apart from foreign affairs, defence and internal security. She stated that it was still the position of her Government that the fundamentals of their constitutional relationship were correct, although it was open to a dialogue on proposals put forward by Gibraltar.

46. She further stated that on financial, taxation and money-laundering matters, Gibraltar complied with all applicable European Union directives and shared information systematically and spontaneously with all other members of the Egmont Group of Financial Intelligence Units and with OECD. She said that the European Commission had recognized the commitment that the Government of Gibraltar had made to tackle cigarette smuggling between Gibraltar and Spain, as well as the significant steps that it had already taken, and that the Government of Gibraltar had repeatedly made clear its desire to work more closely and directly with its Spanish counterparts to deal with the issue (see A/C.4/72/SR.6).

47. At the 8th meeting of the Fourth Committee, on 9 October 2017, the representative of the United Kingdom stated that, as the United Kingdom negotiated to leave the European Union, it was fully committed to taking into account the priorities of the overseas territories, including Gibraltar, adding that the United Kingdom-Overseas Territories Joint Ministerial Council on European Union Negotiations had been created to discuss Territory priorities and agree on further areas for collective engagement and that a separate Council on Gibraltar-European Union Negotiations, for discussing Gibraltar priorities and agreeing on shared and substantive programmes of work, had already held four meetings.

B. Position of the territorial Government

48. At the 3rd meeting of the Fourth Committee, on 3 October 2017, the Chief Minister of Gibraltar said, inter alia, that fifty years earlier, the people of Gibraltar had voted in a referendum organized by its administering Power, choosing to remain British by an overwhelming 99 per cent majority. Although the Government of Spain at the time had deemed the referendum illegal, the United Kingdom had in fact been advancing the right to self-determination in accordance with the principles of the Charter of the United Nations and the relevant General Assembly resolutions. Gibraltar remained British exclusively as a result of the free and fair choice of its people. In 2002, Gibraltar itself had organized a referendum, on whether or not to accept an offer of joint sovereignty with Spain, and the Government of Spain had

again ruled that the referendum was illegal and the people had once again voted overwhelmingly in favour of remaining entirely British.

49. He also stated that the environment of peaceful co-existence and respect in which both referendums had taken place was reflective of life in Gibraltar and the Territory's relationship to the United Kingdom. Gibraltar complied with all international criteria on prudential supervision, transparency and exchange of information in the field of financial services, as well as with the rules regarding the exchange of tax information and fiscal transparency outlined by OECD. He further stated that, while Gibraltar had similarly offered to exchange tax information with Spain, the Government of Spain did not recognize the existence of Gibraltar and had therefore refused to sign the tax agreement.

50. Furthermore, he stated that Spain was not complying with the Charter when it failed to respect the rights of the people of Gibraltar to freely determine their status. Even though it would leave the European Union alongside the United Kingdom, Gibraltar sought to maintain a strong relationship of trade, friendship, cooperation and security with Spain and Europe based on mutual respect and economic benefit. His Government was ready to work with Spain on matters that would not compromise its sovereignty, jurisdiction or control.

51. He concluded by saying that it was important to recognize that 7,000 cross-border workers came to Gibraltar from Spain every day and significantly contributed to its success. He stated that they and all others who crossed what would become the international external frontier of the European Union must be able to continue to cross freely once Gibraltar had left the European Union and that the people of Gibraltar did not respond well to threats regarding such matters and would never give up their right to sovereignty (see A/C.4/72/SR.3).

C. Position of the Government of Spain

52. At the 3rd meeting of the Fourth Committee, on 3 October 2017, the representative of Spain stated that the continued status of Gibraltar as the last colony in Europe was all the more lamentable since the administering Power, the United Kingdom, was a Spanish ally in many other areas. She said that, under the Treaty of Utrecht, Spain had ceded to the United Kingdom only the town and castle of Gibraltar, together with its port, fortifications and forts, without ceding territorial waters or territorial jurisdiction; yet, ignoring the terms of that Treaty, the United Kingdom had illegally occupied the isthmus and surrounding waters. She further stated that the British occupation was contrary to international law and violated the integrity of Spanish territory and that therefore Spain would continue to request restitution until decolonization had been completed.

53. She went on to say that the General Assembly and the Fourth Committee had mandated Spain and the United Kingdom to begin negotiations on ending the colonial situation, specifying in a series of resolutions that the decolonization of Gibraltar must be governed by the principle of territorial integrity rather than the principle of self-determination, and setting 1 October 1969 as the deadline for decolonization. She stated that, nevertheless, the United Kingdom had often taken steps contrary to decolonization, such as the holding of a referendum on questions of sovereignty in 1967, and that fifty years had since passed, but there was nothing to celebrate given that no progress had been made.

54. She further stated that the presence of a colony within Spain produced harmful effects beyond the political sphere. She said that Gibraltar's special tax regime distorted the region's economy to the detriment of the Treasuries of Spain and the European Union and that the unfair advantage it provided to the economy of the Rock gave rise to dangerous organized crime specialized in the transborder smuggling of tobacco. She stated that the Gibraltarian authorities should use some of their considerable wealth to protect the environment by building a sewage treatment plant, rather than discharging sewage into the sea.

55. She also stated that Spain had nevertheless consistently remained open to dialogue and the previous year had formally invited the United Kingdom to open negotiations on a system of joint sovereignty. She said that, while Spain would never relinquish its just claim for a definitive solution to the question of Gibraltar in line with the relevant General Assembly resolutions and the Charter of the United Nations, its proposal aimed at increasing the socioeconomic well-being of the entire region and particularly of Spaniards working in Gibraltar and Campo de Gibraltar. She said that Spain was trying to reach an agreement with the United Kingdom in order to implement a new regional cooperation scheme that would improve the daily lives of inhabitants on both sides of the border. She further stated that the mechanism, unlike the defunct "trilateral Forum", would include the participation of local and regional Spanish authorities, in addition to Spain, the United Kingdom and the Gibraltarian authorities. She concluded by saying that Spain would defend the interests of the Spaniards in Campo de Gibraltar, the Spanish district adjacent to the Rock, who were most affected by the problems arising from the colonial situation (see A/C.4/72/SR.3).

56. Furthermore, at the 6th meeting of the Fourth Committee, on 6 October 2017, in a statement in exercise of the right of reply, the representative of Spain said that no agreements on financial questions existed between Gibraltar and any of the member States of the European Union, to which Spain could attest as a member. She further stated that it should be recalled that the so-called self-determination exercise or referendum in which the Gibraltarians had taken part in 1967 had been convened by the administrating Power and condemned by General Assembly resolution 2353 (XXII) as a contravention of the provisions of General Assembly resolution 2231 (XXI) (see A/C.4/72/SR.6).

D. Negotiations between the United Kingdom and Spain

57. Within the framework of the Brussels Process, which is separate from the Forum for Dialogue on Gibraltar, no bilateral negotiations were held in 2017. The Government of the United Kingdom has made it clear, in the preamble to the 2006 Constitution of Gibraltar, that it would "never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes". Moreover, the United Kingdom has also declared that no sovereignty-related talks can be entered into without the consent of Gibraltar, nor can it enter into a process of sovereignty negotiations with which Gibraltar is not content.

58. For its part, the Government of Spain continued to demand the renewal of bilateral sovereignty talks with the Government of the United Kingdom. It considers that the position of the United Kingdom goes against the doctrine established in the relevant General Assembly resolutions and against the commitment made with Spain in the Brussels Declaration of 1984.

E. Discussions between the United Kingdom and Gibraltar

59. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories indicated that the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed themselves to exploring the ways in which the overseas territories could maintain international support in countering hostile sovereignty claims. For those Territories with permanent populations who wished it, the United Kingdom would continue to support their requests for removal from the list of Non-Self-Governing Territories.

60. Furthermore, in the same communiqué, the Government of the United Kingdom made clear that the result of the referendum on its membership in the European Union did not change its position on sovereignty over the Territories and underlined that the United Kingdom would never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes, nor enter into a process of sovereignty negotiations with which Gibraltar was not content.

61. The Governments of the United Kingdom and Gibraltar have both recognized that the Constitution of Gibraltar provides for a modern and mature constitutional relationship between the two sides. The Government of Gibraltar believes it important to review the 2006 Constitution, together with the United Kingdom, to assess what further progress or changes are necessary and appropriate. The review should include the consideration of human rights issues and the question of removal of Gibraltar from the list of Non-Self-Governing Territories. According to the administering Power, in March 2016, the Gibraltar Parliament established a Select Committee on Constitutional Reform in order to assess what changes to the 2006 Constitution were necessary or desirable. While the United Kingdom has expressed its views about the mechanisms for delisting, both Governments note that, under Article 73 *e* of the Charter, the United Kingdom is obliged to continue to submit annual reports until such time as the General Assembly removes a Territory from its list of Non-Self-Governing Territories.

IX. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

62. A representative of Spain attended the Caribbean regional seminar, held in Kingstown from 16 to 18 May 2017, and made a statement, as did a representative of Gibraltar (see A/72/23, annex II).

63. The Special Committee considered the question of Gibraltar at its 4th meeting, on 12 June 2017, at which it had before it the 2017 working paper prepared by the Secretariat concerning the Territory (A/AC.109/2017/8). As reflected in the summary record (A/AC.109/2017/SR.4), statements were made by the representative of Spain, the Chief Minister of Gibraltar and a representative of a civil society organization. On the proposal of the Chair, the Committee decided to resume the consideration of the

question at its next session and to transmit the relevant documentation to the General Assembly in order to facilitate the consideration of the question by the Fourth Committee.

B. Special Political and Decolonization Committee (Fourth Committee)

64. The Fourth Committee of the General Assembly considered the question of Gibraltar at its 3rd meeting, on 3 October 2017, at which it heard statements by the representative of Spain and the Chief Minister of Gibraltar. In addition, at the 8th meeting, on 9 October, the representative of the United Kingdom made a statement. At the 2nd, 6th and 8th meetings, held on 2, 6 and 9 October, the representative of the United Kingdom exercised the right of reply, and at the 6th and 8th meetings, the representative of Spain exercised the right of reply (see A/C.4/72/SR.2, 3, 6 and 8).

65. At its 9th meeting, on 10 October, the Fourth Committee adopted without a vote a draft decision on the question of Gibraltar (A/C.4/72/L.7), which was submitted by the Chair of the Committee (see A/C.4/72/SR.9).

X. Action taken by the General Assembly

66. On 7 December 2017, the General Assembly, on the recommendation of the Fourth Committee, adopted, without a vote, decision 72/520, on the question of Gibraltar. In that decision:

The General Assembly, recalling its decision 71/521 of 6 December 2016:

(a) Urged the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar that were legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;

(b) Took note of the position of Spain on this issue, including its proposal to start new discussions on the basis of the Brussels Declaration, and also took note of Spain's presentation of a co-sovereignty offer before the Fourth Committee, on 4 October 2016;

(c) Took note of the position of the United Kingdom on this issue, that was, the commitment never to enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes, nor enter into a process of sovereignty negotiations with which Gibraltar was not content;

(d) Took note of the desire of the United Kingdom to continue with the trilateral Forum for Dialogue;

(e) Took note of the position of Spain that the trilateral Forum for Dialogue did not exist any longer and should be replaced with a new mechanism for local cooperation in which the people of the Campo de Gibraltar and Gibraltar were represented;

(f) Encouraged the United Kingdom and Spain to engage in a constructive and responsive manner, with all relevant and appropriate parties, in order to find common solutions and make progress on issues of mutual benefit.

United Nations A/AC.109/2018/9

General Assembly

Distr.: General
22 February 2018

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Guam

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 8 December 2017. In paragraph 16 of its resolution 72/102, the General Assembly requested the Secretary-General to report on the environmental impact of the military activities of the administering Power in the Territory. In a letter dated 15 December 2017, the Secretariat brought the resolution to the attention of the administering Power and requested its input on the subject for inclusion in the present working paper. The information transmitted by the administering Power in that regard on 5 February 2018 is reflected herein (see paras. 13, 32, 33 and 47). Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Guam is a Non-Self-Governing Territory administered by the United States of America. As an unincorporated organized territory of the United States, it is administered by the Office of Insular Affairs of the United States Department of the Interior.

Geography: Guam is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 km south of Tokyo and 6,000 km west-south-west of Hawaii. It consists of a single island comprising two distinct geologic areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep-water ports in the Pacific.

Land area: 540 km^2

Exclusive economic zone: 214,059 km^2

Population: 163,873 (2017 estimate)

Life expectancy at birth: 79.4 years (women: 82.1 years; men: 77.0 years (2010 estimates))

Languages: English and Chamorro

Ethnic composition (2010 census): 37.3 per cent Chamorro; 26.3 per cent Filipino; 12.0 per cent other Pacific islanders; 7.1 per cent white; 5.9 per cent Asian; 2.0 per cent other ethnic origin; and 9.4 per cent mixed

Capital: Hagåtña

Head of the territorial Government: Eddie Baza Calvo (re-elected Governor in November 2014)

Territory's delegate to the United States Congress: Madeleine Z. Bordallo (re-elected in 2016)

Main political parties: Democratic and Republican Parties

Elections: Most recent: 2016; next: September 2018

Legislature: Unicameral 15-member legislature

Gross domestic product per capita: $31,961 (2009 chained dollars; 2016 estimate)

Economy: Principal sources of revenue: tourism and the United States military

Unemployment: 5.4 per cent (September 2016)

Monetary unit: United States dollar

Brief history: Guam was inhabited by the indigenous Chamorro people of Malayo-Polynesian descent when missionaries from Spain arrived in the late seventeenth century. The Chamorro now constitute just over one third of the population and play an active role in the political and social life of the island.

I. Constitutional, legal and political issues

1. Guam was administered by the Department of the Navy of the United States of America from 1899 to 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local government. Since then, the relations of the territory with the federal Government, in all matters that are not the programme responsibility of another federal department or agency, have been under the general administrative supervision of the United States Secretary of the Interior. Guam is an unincorporated territory, since not all provisions of the Constitution of the United States apply to the island. The Organic Act of Guam contains a bill of rights. According to information received from the administering Power, under the United States Constitution only individual states, not territories, of the United States select electors for the President and Vice-President of the United States. Persons born in Guam are, however, citizens of the United States, and may, upon establishing residency in one of the 50 states of the United States, vote for electors of the President and Vice-President of the United States.

2. The people of Guam elect a governor, who serves a four-year term. A person who has been elected Governor for two successive full terms is not eligible to hold that office again until one full term has elapsed. The Governor, who is responsible for the general supervision and control of the executive branch, may issue executive orders and regulations, recommend bills to the legislature, make his or her views known to that body and veto legislation. In the elections held in November 2014, Eddie Baza Calvo (Republican) was re-elected as Governor.

3. The unicameral legislature of Guam comprises 15 senators, each elected for a two-year term. The legislature may override the Governor's veto. Under the supremacy clause of the United States Constitution, the laws of the United States take precedence in the case of a conflict with a law of a state or territory. In the legislative elections held in November 2016, the Democrats won nine seats and the Republicans six seats.

4. Since 1972, Guam has sent one delegate to the United States House of Representatives. The delegate, who serves a two-year term, may vote in committees but not on the floor. In the elections held in November 2016, Madeleine Z. Bordallo, a Democrat, was re-elected for her eighth term as the delegate to the United States Congress. She serves on two committees in the House of Representatives, namely, the Armed Services Committee and the Natural Resources Committee.

5. The judicial system in Guam comprises local and federal components. The local judicial system consists of a superior court and a supreme court, which are led by judges appointed by the Governor and confirmed by the legislature of Guam. Local judges are subject to confirmation by voters every six years. In 2004, the judiciary of Guam was established as an independent branch of government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary. Guam has an elected Attorney General. At the federal level, a district court judge, appointed by the President of the United States and confirmed by the United States Senate, is the head of the District Court of Guam.

6. Periodically, there have been efforts to change the island's political status, as detailed in previous working papers. In 1997, Guam Public Law 23-147 established the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in order to address an important but controversial issue involving

the Chamorro population. The Commission, in parallel with a process of registering eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote regarding the status preferences of the Chamorro people (independence, integration or free association), in accordance with international standards.

7. In 2000, the legislature of Guam provided the Guam Election Commission with the power to set the date for the decolonization plebiscite, in which it was expected that the Territory's indigenous people would be asked to choose between statehood, independence and free association with the United States. The plebiscite would have been non-binding, but at the same time it would have set the course for any future discussions of political status with the administering Power. The vote, which was originally scheduled for 2 November 2004, was postponed because eligible voters had not been identified and registered; Guam law calls for a plebiscite to be held once 70 per cent of eligible native inhabitants are registered. Universal suffrage with regard to general elections applies to United States citizens who are 18 years of age or older and are legal residents of Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. However, according to the administering Power, the Guam Election Commission has described eligible plebiscitary voters more narrowly to include only those who can trace their roots back to residents who were living on the island at the time of the passage of the Organic Act, in 1950. The constitutionality of the law in question was challenged in the United States District Court for the District of Guam in *Davis v. Guam*, a class action lawsuit in which it was argued that the race-exclusive plebiscite was unconstitutional and in violation of federal law. The case was originally dismissed on the grounds that the plaintiff lacked standing and his claims were unripe, but the court of appeals reversed that decision, allowing the case to go forward. Both parties filed motions for summary judgment on remand. The District Court concluded that the plebiscite law violated the Fifteenth Amendment to the United States Constitution because the voting law impermissibly relied on ancestry as a proxy for race, and that the law also violated the equal protection clause of the Fourteenth Amendment because its racial classification did not survive strict scrutiny. On 28 November 2017, the United States filed an amicus curiae brief arguing that the United States Court of Appeals for the Ninth Circuit should affirm the District Court's decision.

8. The Guam Election Commission announced that there were 46,935 registered voters as at 29 December 2017. In *Davis v. Guam*, the District Court permanently enjoined Guam from continuing to enforce its plebiscite law in a way that precluded non-native inhabitants from registering and voting. In 2011, the Governor convened the Commission on Decolonization for the first time in about a decade. According to the administering Power, in August 2016 the Commission on Decolonization voted not to move forward with plans to hold a plebiscite in the general election of November 2016, citing the need for time to conduct a fair and comprehensive education campaign.

9. According to the administering Power, in his 2016 State of the Island address, Governor Calvo announced the submission of a draft measure to petition for a referendum on a political status plebiscite in 2016. Although the Commission on Decolonization halted plans for a plebiscite in 2016, it still intends to conduct a comprehensive education campaign in preparation for a planned plebiscite in 2018, with the assistance of a $300,000 grant awarded by the Office of Insular Affairs of the United States Department of the Interior in March 2016. The Commission now has three task forces dedicated to education and outreach on each of the political status options slated for the ballot: statehood, independence and free association.

10. During the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Kingstown from 16 to 18 May 2017, the representative of the Government of Guam expressed concerns regarding the financial and political challenges faced by the Territory. The representative reported on the ruling by the federal court in March 2017 that a self-determination plebiscite on Guam could not be limited to native inhabitants and was therefore unconstitutional, which had brought to a halt the project of holding a plebiscite on self-determination. In the meantime, the Commission on Decolonization continued to move forward with its education campaign, holding forums and monthly meetings and planning the production of an informative television series, as well as a monthly newsletter.

II. Military and related issues

11. As previously reported, the United States decided in 2009 that the capabilities of the United States Marine Corps in the Pacific region would be realigned by 2014 through the transfer of United States military personnel from Okinawa, Japan, to Guam. The plan, which called for 9,000 marines and their family members to be relocated, was, however, modified on 26 April 2012, when it was specified in a joint United States-Japan statement that only 5,000 marines would move to Guam when appropriate facilities were available to receive them. The move would cost $8.6 billion, with Japan contributing $3.1 billion (see A/AC.109/2014/14).

12. On 30 January 2015, the Office of the Inspector General of the United States Department of Defense published the annual report of the Interagency Coordination Group of Inspectors General for Guam Realignment. In the report, the Group provided an update on the progress and efforts made in the realignment of forces, covering the period from 1 October 2013 to 30 September 2014.

13. On 29 August 2015, the United States Department of the Navy released the record of decision for relocating forces to Guam, following the issuance on 18 July 2015 of the final supplemental environmental impact statement for Guam. The record of decision is specific to the relocation of marines and dependants and comprises the decision to construct and operate a main base (cantonment area), a family housing area, a live-fire training range complex and associated infrastructure on Guam to support the relocation of a substantially reduced number of marines and dependants. According to the administering Power, in addition to the record of decision, the United States Fish and Wildlife Service also issued biological opinions in 2015 and 2017 that outlined the conservation measures required to minimize the negative effects of the military realignment and related construction and training.

III. Land issues

14. The question of land use and ownership encompasses two major issues: the return of unused or underutilized land held by the United States Department of Defense and the return of that land to the original Chamorro landowners. Of the 147,000 acres of land available on Guam, the Department currently possesses 40,000 acres, or 27.21 per cent of the island's land mass. Under Guam law, private landowners in the Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would be subject to the approval of the legislature of Guam.

15. In March 2011, a programmatic agreement was signed between the United States Department of Defense, the Advisory Council on Historic Preservation and the State Historic Preservation Officer of Guam to preserve cultural and historical properties on the island during the build-up in preparation for the transfer of marines, their dependants and support staff as early as 2016. In the programmatic agreement, projects included the construction of a cultural repository, a public health laboratory and further upgrades to the island's water and wastewater systems. In November 2017, the United States Department of Defense Office of Economic Adjustment awarded the Government of Guam two grants totalling $129.9 million for civilian infrastructure projects relating to the relocation of marines to Guam. The Office of the Governor was awarded $12 million for the final planning and design, programme and construction management services and the construction of a Guam cultural repository. The other grant, in the amount of $117.9 million, was awarded for upgrades to wastewater treatment facilities (see para. 27).

IV. Budget

16. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated, on an ad hoc basis, to particular sectors through the Department of the Interior. The territorial Government's operating revenues fall under four classifications: (a) General Fund, (b) Special Funds, (c) Federal Grant-in-Aid and (d) Semi-Autonomous and Autonomous Agencies Operating Funds. According to federal law, all island residents, including military personnel, must pay income tax to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget bill; the legislature can then either override the Governor's veto by a special majority or reconsider the bill.

17. On 19 September 2017, the budget act for the fiscal year ending 30 September 2018 was passed into law, as the Governor's veto of the bill had been overridden on 16 September 2017. Projected gross revenue for the General Fund was $849.7 million, and the total amount of General Fund revenue available for appropriation came to $688.56 million.

18. In its report of October 2017, entitled "Public debt outlook", the United States Government Accountability Office found that between the fiscal years 2005 and 2015, Guam's public debt had more than doubled, rising from almost $1 billion to $2.5 billion, with the ratio of debt to gross domestic product (GDP) coming to 44 per cent for the fiscal year 2015. Most of the Territory's debt was used to comply with federal requirements and court orders. Revenue grew during this period, and the net position fluctuated significantly, with a negative balance in the fiscal year 2015.

V. Economy

A. General

19. The economy of Guam continues to be based on two main pillars: tourism and the military. The Territory has been endeavouring to create an environment conducive to the development of other industries, such as financial services, telecommunications and transportation. Manufactured products include textiles, garments, cement and plastics. Re-exports constitute a high proportion of the Territory's exports, which include petroleum products, iron and steel scrap, automobiles and tobacco and cigars.

20. In September 2017, the United States Bureau of Economic Analysis released estimates of the GDP of Guam for 2016, together with GDP and compensation estimates by industry for 2015. Those estimates indicate that real GDP increased by 0.4 per cent in 2016, after increasing 0.5 per cent in 2015. The growth in the Territory's economy reflected increases in exports of services and consumer spending. Exports of services, which consist primarily of spending by tourists, grew for a third consecutive year, reflecting growth in visitor arrivals, in particular from the Republic of Korea. Those increases were partly offset by decreases in investment spending across the government and private sectors following the completion of major projects in 2015 and a decrease in defence-related construction contracts.

B. Tourism

21. According to a press release issued by the Guam Visitors Bureau, the fiscal year 2017 was the best year on record, with 1,559,395 visitor arrivals recorded, a 3.2 per cent increase from the previous year. The Tourism 2020 plan, developed in 2014 by the Guam Visitors Bureau in cooperation with government leaders, private stakeholders and members of the community, sets a road map to guide the Territory towards a shared vision for Guam's tourism industry.

C. Transport and communications

22. The Territory's road network is just under 1,000 miles long, with 420 miles classified as "non-public". Of the 550 miles of public roads, there are some 144 miles of primary and some secondary roads. To maintain the territorial highway system, the Government of Guam receives funding from the United States Department of Transportation and the Federal Highway Administration.

23. The Port Authority of Guam, which is a public corporation and an autonomous agency of the territorial Government, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for the Federated States of Micronesia.

24. The 2030 Guam transportation plan has become an official component of the island's comprehensive development plan. The transportation plan, which is a long-term strategy designed to improve the Territory's transportation system, incorporates improvements to roadways and mass transportation, while accommodating pedestrians and cyclists. It also addresses other issues, such as the proposed military build-up.

25. In February 2016, the Department of Public Works of Guam developed the transportation improvement plan for the fiscal years 2016 to 2019, including a list of transportation projects to address safety issues and pavement and bridge conditions and to improve traffic operations, in consultation with the Federal Highway Administration and with input from the public.

D. Water system, sanitation and utilities

26. According to the 2013 report of the United States Government Accountability Office entitled "Further analysis needed to identify Guam's public infrastructure requirements and costs for the Department of Defense's realignment plan", the water and wastewater treatment systems of Guam have a number of deficiencies as a result

of natural disasters, poor maintenance and vandalism. Although the Guam Waterworks Authority has invested more than $158 million in improvements to its water and wastewater systems over the past 10 years, it continues to operate under an order issued by the District Court of Guam requiring various treatment and infrastructure improvements because of issues relating to compliance with the Safe Drinking Water Act and the Clean Water Act. The potable water system of Guam is currently non-compliant with the Safe Drinking Water Act. According to the Inspector General of the Department of Defense, the wastewater plants in Guam do not meet primary treatment standards and lack sufficient capacity owing to the poor condition of existing assets. The Government Accountability Office noted in its report that, in terms of supporting the current military presence in Guam, the Authority provided wastewater services to Andersen Air Force Base (including Northwest Field), the Naval Computer and Telecommunications Station Guam and the South Finegayan Navy housing area. According to representatives of the legislature of Guam and the Chair of the Consolidated Commission on Utilities, however, the Authority is operating near capacity and would be unable to meet any surge in demand relating to realignment without significant infrastructure improvements.

27. In November 2017, the United States Department of Defense awarded the Guam Waterworks Authority approximately $117.9 million in funding for the construction of upgrades to the Northern District Wastewater Treatment Plant, as authorized by the United States Congress in Section 2821 of the National Defense Authorization Act for the fiscal year 2016.

28. The Guam Power Authority provides all the electricity on the island for both the public and the Department of Defense. The Department of the Navy is the Authority's largest customer, accounting for 15.57 per cent of revenue in 2016. The electric power system of Guam has experienced reliability problems that have resulted in power outages, and the system is dependent on ageing generators approaching the end of their life expectancy. This situation was also recalled in a report of the Inspector General of the Department of the Interior in 2012, in which it was noted that Guam was susceptible to power blackouts and that about a quarter of the power generation units of the Authority had been installed before 1976. The conclusion was reached that, should the Authority have to replace its entire ageing infrastructure at once, it would require a large financial investment.

E. Renewable energy

29. In 2013, the United States Department of the Interior, in conjunction with the National Renewable Energy Laboratory, published the Guam Strategic Energy Plan, which established metrics for measuring progress towards the goal of a 20 per cent reduction in fossil fuel usage by the year 2020 and identified specific clean energy policies that could be implemented in Guam, along with education and outreach strategies. The Department of the Interior, in conjunction with the National Renewable Energy Laboratory, also published the Guam Energy Action Plan, which provided detailed implementation plans for specific strategies that could be implemented to help to achieve the 20 per cent fossil fuel reduction target by 2020.

30. In October 2015, the first solar power facility in Guam was completed and integrated into the existing grid, providing around 10 per cent of the grid with renewable energy. In March 2016, the Authority's first wind turbine generator, funded by the United States Department of the Interior, was officially unveiled. The pilot project has an expected production capacity of up to 275 kW for the existing power

grid, and data gathered will be used to assess the viability of additional wind power projects.

F. Agriculture and fisheries

31. The farming and fishing sectors are considered relatively well developed. The main types of produce are vegetables, citrus, tropical fruits and coconuts. The various divisions of the Guam Department of Agriculture deal with the animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources. As stated in the 2011 comprehensive economic development strategy, the Agricultural Board of Commissioners reviews and makes recommendations regarding zoning, pest control, the preparation of an agricultural development plan, agricultural loans and related matters.

32. According to the administering Power, in 2009, the Western Pacific Regional Fishery Management Council recommended that the United States Department of Defense and the National Marine Fisheries Service investigate and address the impact of the continuing military build-up on local fishing communities and that a mitigation and compensation plan be developed to assist those affected, including in Guam. As part of the process of preparing the supplemental environmental impact statement for the military build-up, the United States Department of the Navy consulted the United States Fish and Wildlife Service and the National Marine Fisheries Service to analyse the potential impact of the proposed actions on essential and critical habitats. In 2015 and 2017, the United States Fish and Wildlife Service issued biological opinions outlining conservation measures that would avoid or minimize the effects of the project on listed species and their habitats or contribute to the recovery of listed species.

33. In addition, the administering Power indicated that, in compliance with the Endangered Species Act, the Department of the Navy received favourable biological opinions from the United States Fish and Wildlife Service in July 2015 and July 2017, as well as a letter of concurrence from the National Marine Fisheries Service in May 2015. Each of those documents included conservation and/or mitigation measures which the Department of the Navy has made a commitment to implement. The Department of the Navy, in compliance with the Magnuson-Stevens Fisheries Conservation Management Act, completed its consultation with the National Marine Fisheries Service in May 2015. The Service provided, for the Navy's consideration, seven conservation recommendations on supporting essential fish habitats. In May 2015, the Navy made a commitment to implement six of those recommendations as part of the military relocation to Guam.

VI. Social conditions

A. Labour

34. According to the report of the Guam Bureau of Labor Statistics of 31 March 2017, the unemployment rate in Guam was 5.4 per cent in September 2016, an increase of 0.9 per cent compared with September 2015, but a decrease of 2.2 per cent compared with September 2014. In September 2016, the total number of unemployed persons was 3,910, which represents a decrease of 1,480 compared with the September 2014 estimate. Preliminary statistics indicated that, as at September 2017, the total number of private sector jobs and total employment had declined by 330 and

420, respectively, compared with 2016. The decline in construction, private and total employment was primarily associated with the repatriation of workers under the H-2 visa programme. The number of workers under an H-2 visa declined by 956, from 1,042 in September 2016 to 86 in September 2017.

35. As at September 2017, approximately 24.8 per cent of employment was in the public sector, with the Government of Guam employing 11,620 persons and the federal Government employing 3,910 persons. In the private sector, a total of 47,190 jobs are distributed across the following sectors: agriculture; construction; manufacturing; transportation and public utilities; wholesale trade; retail trade; finance, insurance and real estate; and services. The largest private industries are services (18,000 employees), retail trade (12,520 employees) and construction (5,590 employees).

B. Education

36. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for over 30,000 students in 41 schools. Approximately 25 private schools, including 2 business colleges, 5 high schools and a number of elementary schools, are mostly affiliated with Roman Catholic and Protestant religious denominations. The Territory receives federal funding each year to support such programmes as special education, summer school, the school lunch programme and the Department of Education extended day after-school programme.

C. Health care

37. There are two civilian inpatient medical facilities that serve the public sector. The Guam Memorial Hospital Authority is a public hospital with a capacity of 162 acute-care beds and 30 long-term care beds. Guam Regional Medical City has 132 acute-care beds. The United States Naval Hospital primarily serves the military sector. There are three community public health centres, one located in the north, one in the south and one in central Guam. The Territory has some 271 doctors and 92 medical clinics.

38. In its 2013 report (see para. 26 above), the Government Accountability Office noted that the health system of Guam was undersized. Officials from the Guam Memorial Hospital Authority participating in the preparation of the supplemental environmental impact statement acknowledged that, by national hospital standards, Guam needed some 500 acute-care beds to fully meet the island's needs; the Authority, however, provided only 162 such beds. In addition to those infrastructure challenges, officials identified a number of problems related to staffing, including difficulty in recruiting and retaining an adequate number of health-care personnel. The United States Department of Health and Human Services has designated Guam as a medically underserved area, which means that it has too few primary care providers, a high rate of infant mortality, a high rate of poverty and/or a large population of older persons. Guam also qualifies as a health professional shortage area, which means that it experiences shortages of primary medical care or dental or mental health-care providers. Although military personnel and their dependants generally do not use local health facilities, the Government of Guam anticipates that

any Department of Defense civilian, any migrant and any construction worker associated with the realignment will be able to use the facilities.

39. According to the World Health Organization Country Cooperation Strategy for Guam 2013–2017, the prevalence of non-communicable diseases in Guam continues to rise. As part of the military build-up, a new military hospital was built to replace the previous facility, which was constructed in 1954. It officially opened on 21 April 2014, providing 42 beds, four operating rooms, two caesarean section rooms and improved diagnostic and ancillary capabilities, including magnetic resonance imaging and computed tomography scanning suites.

40. The Guam Department of Public Health and Social Services has developed a three-year strategic plan focusing on three priorities, which will help to guide the Department in augmenting its infrastructure and capacity to achieve its mission. The three priorities are workforce development, the modernization of information technology and support systems and the improvement of the organizational structure and processes.

VII. Environment

41. The Guam Environmental Protection Agency comprises five divisions: the Administrative Services Division, the Environmental Monitoring and Analytical Services Division, the Environmental Planning and Review Division, the Air and Land Programs Division and the Water Programs Division. Guam continues to experience environmental problems related to the United States occupation during the Second World War and the atomic testing conducted by the administering Power in the Marshall Islands in the 1950s. Additional details can be found in previous working papers. To date, no official reports exist on the continuing high-level radiation spill from the Fukushima Daiichi nuclear power station into the Pacific Ocean.

42. As detailed in its 2011 comprehensive economic development strategy, the Guam Environmental Protection Agency implements various programmes for regularly monitoring the status of the environment. The regulations of the United States Environmental Protection Agency apply to Guam, but in some cases the Territory's own laws are more stringent than those of the United States. Guam is a relatively small and high-density island; its marine environment therefore constitutes a key litmus test with regard to the overall environmental impact of human activity. The quality of the marine waters has generally been found to be excellent across all indicators. Soil erosion, which is associated with construction activity or natural erosion, is another area of special concern in southern Guam, given that sedimentation has resulted in the destruction of coral reefs in areas adjacent to the mouths of rivers.

43. Solid-waste landfills are another area of concern in Guam, given the limited land area. Problems are being magnified as the standard of living changes and increases in population and industrial activity bring more goods and commodities to the island. In its 2013 report (see para. 26 above), the Government Accountability Office noted that the existing landfill on Guam was environmentally compliant, had adequate capacity to meet current solid waste disposal needs and had sufficient expansion capacity to meet future needs related to the realignment. According to the Government of Guam, however, the new landfill cannot be used for some types of waste, including construction and demolition waste. Consequently, meeting organic and realignment-related solid waste disposal needs will require the Government to

continue to develop systems to handle waste that cannot be disposed of in the landfill and construct and open new solid waste disposal areas.

44. Some 33 per cent of the world's cyclones develop in the immediate area around Guam. In addition, according to the Global Assessment of Human-Induced Soil Degradation, the area of degraded soil in the Pacific is extensive. In Guam, major road construction on steep slopes has caused erosion, with the resulting sedimentation killing coral colonies on fringing reefs.

45. According to the United States Environmental Protection Agency, Guam faces significant environmental challenges: the Territory has fragile drinking water infrastructure; the island's wastewater treatment plants have been chronically out of compliance with federal rules and its own water quality standards; and the additional population expected on Guam over the next several years in connection with the military build-up (see section II above) has the potential to put additional strain on its infrastructure and environment.

46. According to the administering Power, the United States Department of the Interior awarded $450,000 to the Territory for various projects that support multisector collaboration and long-term planning, developed by the Guam Climate Change Task Force. The projects included conducting climate training workshops for planners and multisectoral resiliency workshops; conducting a comprehensive vulnerability analysis of built environments at coastal bays; creating a pilot climate geographic information system; and updating storm water management plans and implementation.

47. According to the administering Power, pursuant to the National Environmental Policy Act of 1969, the United States Department of Defense examined the environmental effects of its proposed actions. On 29 August 2015, the United States Department of the Navy released its record of decision (see para. 13 above), the final step in the process relating to the supplemental environmental impact statement, in which it called for a smaller realignment than in the original plan from 2010 and outlined the decisions to be made in order to implement the realignment actions proposed and the mitigation measures specified. In 2017, the United States Fish and Wildlife Service issued a re-initiation of the biological opinion of 2015, outlining the conservation measures to be taken in order to avoid or minimize the impacts of the project, specifically to contribute to the recovery of listed species and to minimize the effects of construction, invasive species, fire and training.

VIII. Relations with international organizations and partners

48. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981. The Territory is a member of the Pacific Community, the Micronesian Chief Executives Summit, the Pacific Basin Development Council, the Pacific Islands Development Programme, the Pacific Asia Travel Association and the South Pacific Regional Environment Programme. It also participates in the Pacific Community Coastal Fisheries Programme. Guam has observer status in the Alliance of Small Island States. In 2011, Guam was granted observer status in the Pacific Islands Forum.

IX. Future status of the Territory

A. Position of the territorial Government

49. Developments regarding discussions on the future status of Guam are considered in section I above.

B. Position of the administering Power

50. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States. He indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came within the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and had no mandate to engage the United States in negotiations on their status. He further noted that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in Non-Self-Governing Territories, the federal Government submitted annual updates on United States Territories to the Special Committee as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

51. According to the administering Power, on 23 February 2016, the Assistant Secretary for Insular Areas of the United States Department of the Interior hosted a panel discussion in Washington, D.C., on self-determination in American Samoa, Guam and the United States Virgin Islands. The panel included territorial experts and officials from the United States Department of the Interior and Department of State, and the discussion provided an updated context for federal policymakers and for a new generation to learn about the status of self-determination in the respective territories and to understand their rights with regard to self-determination under federal and international law. The panel experts reaffirmed the position of the administering Power that, under the United States Constitution, only the United States Congress had the plenary power to dispose of and make needful rules and regulations in respect of the Territories. It was also reiterated that the administering Power supported the right of self-determination of the respective peoples of American Samoa, Guam and the United States Virgin Islands, and, according to the policy of the administering Power, those Territories had at least three distinct options for exercising self-determination: continued territorial status, statehood or independence. In addition, in conjunction with the meeting of the National Governors Association held in Washington, D.C., each February, the Deputy Assistant to the President for Intergovernmental Affairs and the Assistant Secretary of the Interior for Insular Areas host the plenary session of the Interagency Group on Insular Areas, which brings together the Governor of Guam and his counterparts from American Samoa and the United States Virgin Islands, with leading officials of the federal executive branch, to discuss matters of mutual importance to the Territories.

X. Consideration by the United Nations

A. Special Political and Decolonization Committee (Fourth Committee)

52. Speaking at the 3rd meeting of the Special Political and Decolonization Committee (Fourth Committee), on 3 October 2017, the Governor of Guam said that the Territory experienced a number of difficulties on account of its territorial status. For example, unfunded mandates like the earned income tax credit and the Compact of Free Association had left the island in debt. Once the United States Government had returned native lands, Guam had passed the Chamorro Land Trust Act to give Chamorro descendants of original inhabitants the opportunity to lease property for a nominal sum. In October 2017, however, the United States Department of Justice had filed a lawsuit, arguing that giving back land to its rightful Chamorro owners violated the Fair Housing Act, a law designed to protect United States citizens from discrimination in public housing. Guam was once again at an impasse on the road to self-determination. As the Chairman of the Commission on Decolonization of Guam, the Governor had made decolonization a major government priority for the first time in many years. It was hoped that schools would soon include decolonization in their curricula so that pupils in Guam could learn about their right to self-determination. He had recently written to the Special Committee to invite a visiting mission to the island for the first time since 1979. A visiting mission would shed new light on the island's pursuit of self-determination in the face of new challenges with regard to decolonization and self-governance. The quest for decolonization was not based on any hatred of the United States, nor was it due to a lack of patriotism. The people of Guam were United States citizens, and yet they did not enjoy some of the rights that other citizens did, such as the right to vote for the president. Guam had a lengthy history of inequality and arbitrary legislation against its native population. Whatever course the self-determination of Guam might take — relaxing its association with the United States, becoming the fifty-first state or pursuing independence — the people of Guam were currently a part of the United States.

53. At its 3rd and 4th meetings, on 3 and 4 October 2017, the Fourth Committee heard petitioners on the question of Guam (see A/C.4/72/SR.3 and A/C.4/72/SR.4).

54. At the 27th meeting, on 8 November 2017, the representative of Cuba, on behalf of Cuba, Indonesia, Sierra Leone, the Syrian Arab Republic and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Question of Guam" (A/C.4/72/L.16). At the same meeting, the Committee adopted the draft resolution by a recorded vote of 80 to 9, with 62 abstentions. The United States voted against the draft resolution; the representative stated that it contained language that appeared to be a political attack.

B. Action taken by the General Assembly

55. On 7 December 2017, the General Assembly adopted without a vote resolution 72/102 on the basis of the report of the Special Committee transmitted to the Assembly (A/72/23) and its subsequent consideration by the Fourth Committee. In the resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of Guam to self-determination, in conformity with the Charter and with General Assembly resolution

1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of the decolonization of Guam, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of Guam to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Welcomed the convening of the Guam Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination and its ongoing work on a self-determination vote, as well as its public education efforts;

(e) Stressed that the decolonization process in Guam should be compatible with the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

(f) Called once again upon the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter and stressed the need for continued close monitoring of the overall situation in the Territory;

(g) Requested the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

(h) Also requested the administering Power to assist the Territory by facilitating public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard welcomed the financial assistance granted by the administering Power in support of the decolonization educational campaign, called upon the relevant United Nations organizations to provide assistance to the Territory, if requested, and welcomed the recent outreach work by the territorial Government;

(i) Further requested the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam;

(j) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of Guam and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Guam and the administering Power;

(k) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Guam, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(l) Also called upon the administering Power to facilitate a visiting mission to the Territory, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(m) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(n) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interests of the people of the Territory;

(o) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation and the impact of militarization on the environment, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(p) Requested the Secretary-General to report on the environmental impact of the military activities of the administering Power in the Territory;

(q) Requested the Special Committee to continue to examine the question of Guam and to report thereon to the General Assembly at its seventy-third session and on the implementation of the resolution.

Annex

Map of Guam

United Nations A/AC.109/2018/10

General Assembly

Distr.: General
28 February 2018

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Montserrat

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 18 December 2017. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Montserrat is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Andrew John Pearce, appointed in January 2018

Geography: Situated in the Leeward Islands in the eastern Caribbean, 43 km south-west of Antigua and 64 km north-west of Guadeloupe. The entire island is volcanic. In July 1995, the Soufrière Hills volcano, which had been dormant for more than 400 years, erupted with devastating effects, including the destruction of the capital, causing the evacuation and relocation of about 70 per cent of the population from the southern part of the island. The effects of that eruption and subsequent lighter volcanic activity are still being felt.

Land area: 103 km²

Exclusive economic zone: 7,582 km²

Population: 5,000 (2012 estimate)

Life expectancy at birth: 74.14 years (men: 75.64 years, women: 72.57 years (2015 estimates))

Language: English

Capital: Plymouth, abandoned in 1997 following the volcanic eruption. A new urban centre is being developed at Little Bay, on the north-west coast of the island.

Head of territorial Government: Premier Donaldson Romeo (September 2014)

Main political parties: People's Democratic Movement; Movement for Change and Prosperity

Elections: most recent: September 2014; next: due in September 2019

Gross domestic product per capita: $12,044 (UNdata, 2016)

Economy: financial services, investments, construction

Main trading partners: Canada, Japan, Trinidad and Tobago, United States of America

Unemployment rate: 6.5 per cent (2013 estimate)

Monetary unit: East Caribbean dollar, pegged to the United States dollar (EC$ 2.70 equals US$1)

Brief history: Christopher Columbus named Montserrat after a monastery near Barcelona in Spain. The first European settlers, mostly Irish, arrived in 1632. The island later became a haven for indentured Irish servants transported to the British West Indies. A major slave uprising occurred on Saint Patrick's Day in 1768. In the eighteenth century, Montserrat was intermittently occupied by France, prior to its confirmation as a British Territory in 1783. It became a British Crown colony in 1871. Following the break-up of the Federation of the West Indies in 1962, Montserrat opted for Crown colony status rather than associated statehood.

I. Constitutional, legal and political issues

1. Under the Montserrat Constitution Order 2010, which entered into force in September 2011, Montserrat has a governor appointed by the British Crown, a Cabinet and a legislative assembly. The Governor is responsible for internal security (including the police force), external affairs, defence, public service and the regulation of international financial services. The current Governor took office in January 2018. Under the legislation under which the Constitution was enacted, the British Crown reserves the power, with the advice of the Privy Council of the United Kingdom of Great Britain and Northern Ireland, to make laws either generally or for the peace, order and good government of Montserrat.

2. The Cabinet consists of the Premier, three other ministers and, in an ex officio capacity, the Attorney General and the Financial Secretary. The Deputy Governor, a Montserratian appointed by the Governor, attends meetings but does not have the right to vote. The Cabinet is presided over by the Governor, who does not have the right to vote within the Cabinet but is responsible for the general control and direction of the Government, and is collectively responsible to the legislature.

3. The Legislative Assembly consists of nine elected members and the same two ex officio members as the Cabinet. Elections are normally held in Montserrat every five years on the basis of universal adult suffrage. In the most recent elections held in September 2014, the Movement for Change and Prosperity, which had formed the previous Government, was defeated and the newly formed People's Democratic Movement, headed by Donaldson Romeo, won seven of the nine seats in the Assembly. In September 2014, Mr. Romeo became the Premier of Montserrat.

4. The law of Montserrat is comprised primarily of the legislation enacted by the legislature of Montserrat, certain acts of Parliament of the United Kingdom extended to Montserrat, orders in the council made by the British Crown on behalf of the Territory in the Privy Council and English common law. Montserrat falls under the jurisdiction of the Eastern Caribbean Supreme Court (High Court and Court of Appeal). The Court of Appeal is an itinerant court, established under West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among its nine members, including Montserrat. The final court of appeal for civil and criminal matters is the Judicial Committee of the Privy Council. The British Overseas Territories Act 2002 provides for the granting of British citizenship to the citizens of British overseas territories.

5. As previously reported, the then Premier of Montserrat, addressing the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Quito from 30 May to 1 June 2012, stated that Montserrat was a fully internally self-governing Territory where all executive decisions were made by the local Cabinet. He further stated that there was no public interest whatsoever in separating from the United Kingdom. The continuing relationship with the United Kingdom was one made by free choice, and the people of the island did not see themselves as being a colonized people. He recommended that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples remove Montserrat from its decolonization discussions.

II. Budget

6. According to the administering Power, the public sector in Montserrat continues to be dependent on budgetary aid from the United Kingdom. The 2017/18 budget statement of the territorial Government delivered in June 2017 indicated that the estimate of recurring revenue for 2017/18 was EC$ 128 million, including the EC$ 78 million in budgetary aid from the United Kingdom that accounted for approximately 61 per cent of revenue. Total expenditure is expected to be EC$ 160 million, with recurring expenditure at EC$ 128 million. According to the administering Power, in addition to the above-mentioned contribution to the recurring budget, the Government of Montserrat estimates revenue of approximately EC$ 17.3 million from United Kingdom-funded capital investment in the 2017/18 budget period.

7. According to the administering Power, individual residents are taxed on their worldwide income from all sources. Tax is also levied on the chargeable income paid by any incorporated company, building society or body of persons. While companies pay a tax of 30 per cent on profits, there is no capital gains tax.

8. According to the administering Power, the Territory benefits from an allocation of approximately €18.4 million for the period 2014–2020, under the eleventh European Development Fund. The agreement was signed in December 2017.

III. Economic conditions

A. General

9. According to statistics provided by the administering Power, real economic growth in Montserrat has continued to be modest, estimated at 2.03 per cent in 2016, compared with 0.42 per cent in 2015. Real gross domestic product (GDP) per capita was approximately EC$ 34,891 in 2016. An economic growth strategy is currently being developed by the Government of Montserrat and is expected to be completed in 2018.

B. Agriculture and fisheries

10. As a result of ongoing volcanic activity, the most fertile agricultural land, pastures and fishing areas continue to be either restricted or inaccessible. In recent years, however, agricultural crop, fish and livestock production has reportedly increased.

11. In recent years, the territorial Government has continued to focus on agriculture as a key area on which to build its self-reliance policy. Initiatives included providing employment opportunities and encouraging more local production, notably by establishing backyard gardens and increasing the acreage devoted to cultivation. In March 2016, with the financial support of the Caribbean Development Bank and the territorial Government, an abattoir for the production of meat products on the island, in line with its public health legislation, was completed. According to the administering Power, to further support and build on the island's self-reliance policy, the agricultural strategic marketing plan was launched by the Ministry of Agriculture in December 2016, with the objective of reducing dependence on imported fresh food and exploring niche market opportunities for local food products.

C. Financial services

12. Montserrat is a member of the Eastern Caribbean Central Bank, which acts as the central bank for the Territory and is part of the Eastern Caribbean Securities Exchange and the Caribbean Financial Action Task Force, the body that monitors anti-money-laundering activities and works to counter the financing of terrorism in the region. There are various banking facilities, including two commercial entities (the Bank of Montserrat and the Royal Bank of Canada) and several international banks. There is also a credit union and a building society.

13. According to the administering Power, in November 2015, Montserrat made a commitment to include beneficial ownership information in its existing public companies register. Legislation requiring legal entities to hold beneficial ownership information and to submit it for inclusion in the existing public register had been expected to be introduced in December 2017. At the time of writing, the target date for the addition of beneficial ownership information to the existing register was April 2018.

14. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, held in London on 28 and 29 November 2017, the overseas territories and the United Kingdom welcomed the progress made by the overseas territories with financial centres in implementing the arrangements set out in the exchange of notes on law enforcement exchange of beneficial ownership information, including establishing new and secure systems for the collection, exchange and use of beneficial ownership data, where they did not already exist. The Joint Ministerial Council committed itself to reviewing the effectiveness of the arrangements six months prior to their implementation deadline. It welcomed the cooperation of the overseas territories in international efforts to promote tax transparency and tackle financial crime and the constructive engagement of the overseas territories with the Code of Conduct Group (Business Taxation) of the European Union and at the first meeting of the Global Forum on Asset Recovery. The Joint Ministerial Council reiterated its commitment to showing leadership in tackling corruption and committed itself to prioritizing further work to enable the timely extension to the territories of the application of the United Nations Convention against Corruption, in particular when territories have requested such an extension, and to set a clear path for that process, building on the meeting held during the seventh session of the Conference of the States Parties to the Convention, held in Vienna from 6 to 10 November 2017.

D. Tourism

15. The redevelopment of the tourism industry, which was the main contributor to GDP prior to the volcanic eruption in 1995, continues to be a priority for the territorial Government. In September 2016, it was announced that the territorial Government would establish a new investment and promotion agency as a statutory body to better address the need for tourism investment in Montserrat and for an enhanced profile in the global tourism marketplace.

16. As previously reported, an improved ferry service with greater capacity was launched in December 2013. The ferry makes the trip between Montserrat and Antigua in about an hour, enabling Montserrat to market itself as a day-trip destination. According to the administering Power, the ferry service was suspended in April 2016 for contractual reasons, and, after a full procurement process, a new service came into operation on 2 December 2016.

17. According to the administering Power, the total number of visitor arrivals in 2016 was 19,144, of which 9,572 were visitors, 5,138 were tourists, 838 were excursionists and 3,596 were cruise passenger arrivals. Efforts have been made to attract cruise ships to the island and to promote escorted tours to the abandoned capital, Plymouth.

E. Construction

18. The physical development plan for the period 2013–2022 maps out what the territorial Government envisions for developing the northern portion of the Territory and provides a framework to help to meet the objectives set out in the sustainable development plan, addressing issues such as land availability, limited resources and infrastructure development.

F. Utilities and communication

19. A statutory body, Montserrat Utilities Limited, distributes water and electricity in the Territory. According to the administering Power, the entire population enjoys access to a plentiful supply of good potable water, and about 98 per cent of residents are connected to the water system. The water section of the company also has responsibility over the sewage treatment in some areas, notably Lookout and Davy Hill.

20. For its part, in 2016 the territorial Government continued to promote the development of a national energy policy, moving away from inefficient containerized high-speed diesel generators. According to the administering Power, it is expected that sufficient geothermal energy resources will eventually be made available to meet the demand for electricity. In his 2017/18 budget statement, the Premier of Montserrat indicated that a new 1.5 megawatt diesel generator had been successfully installed on 28 February 2017, that drilling of a third well had been completed within the period required and that, although the testing of the source of the well had been delayed, it was anticipated that the cleaning and testing phase would commence soon. The Premier added that the energy policy and action plan for the period up to 2030, which his administration had commissioned and delivered, included an energy strategy and sustainable energy plan.

21. In addition to the ferry service, Montserrat and Antigua and Barbuda are also connected by scheduled and charter air services operated by two companies. Montserrat is a member of the Eastern Caribbean Civil Aviation Authority and of Air Safety Support International, which regulates the Territory's airspace and airline.

IV. Social conditions

A. General

22. The volcanic crisis has had a profound effect on traditional social structures and support systems in the Territory. Many families and communities have been split up and relocated to various parts of the world. According to the administering Power, social welfare services in Montserrat continue to include monthly financial assistance, rental assistance and one-time assistance for basic items. According to the administering Power, the United Kingdom and the United Nations Children's Fund

(UNICEF) continue to support the development of integrated delivery of social services in Montserrat.

B. Labour

23. According to the administering Power, the working population of Montserrat comprises about 2,700 persons, approximately 71 per cent of whom are Montserratians. Labour relations are governed by the Employment Act and the Labour Code, both revised in 2012, under which the Department of Labour provides mediation and conciliation services, and the Labour Tribunal settles disputes. At the time of writing, a new survey of the labour force was expected to be completed in 2018.

24. The Labour Code, as revised in 2012, sets out minimum conditions of employment and establishes the procedures for the settlement of labour disputes, providing for equality of treatment in employment, irrespective of an employee's race, colour, sex, religious beliefs, ethnic origin, nationality, political opinion or affiliation, disability, family responsibilities, pregnancy, marital status or age. According to the administering Power, in 2015, the Department of Labour submitted recommendations to the Attorney General for the review and update of technical regulations associated with the Labour Code and the territorial Government reconstituted the Labour Advisory Board, which provides advice on the desirability of establishing a national minimum wage. According to the administering Power, the Statistics Department of Montserrat is currently undertaking work to establish the appropriate level of the minimum wage. In 2016, the territorial Government continued to address the entrenched shortage of skilled labour by providing relocation incentives to Montserratians and granting work permits to non-Montserratians in order to meet the demand for professional and other skilled labour. Work permits are granted under the Immigration Act as revised in 2008.

25. The labour needs assessment completed in July 2016, which outlined the current capacity and the future needs of labour, was distributed to the administering Power. The recommendations contained therein included a closer look at the educational curriculum aiming at filling the gaps in labour needs, and are currently under review.

C. Education

26. Montserrat has educational infrastructure and services that provide full access to primary and secondary education. Compulsory education starts at age 5 and continues until age 16. According to the administering Power, in 2016, two of the primary schools were private, two were public and the only secondary school was also public; a total of 62 pupils graduated from the secondary school in 2016.

27. The education development plan for the period 2012–2020 sets out the guidelines for the Ministry of Education in providing for early childhood, primary, secondary and post-secondary education, in addition to special needs, teacher training and education support services. There are several government day-care facilities and nursery schools and a privately owned early childhood facility. According to the administering Power, a child safeguarding review was completed in 2015 and a number of recommendations were made for enhanced inter-agency coordination in order to better protect children. A multi-agency protocol has been developed, together with revised procedures and an ongoing programme of legislative reform, to ensure

that children are better protected. Technical cooperation was provided through various projects, including work with social workers and probation officers to help to build capacity at the local level and create sustainable change. All of those measures form the basis for the strengthened coordination recommended in the review.

28. The Montserrat Community College, which is partly subsidized and based in Salem, offers advanced academic courses for students between 16 and 18 years of age, as well as technical skills courses. The University of the West Indies maintains an extramural department adjacent to the Community College. Postgraduate students can study for a variety of long-distance degrees from the University.

29. Students from overseas territories benefit from the home student rate for school fees at British universities, provided that they have lived in a British overseas territory, the European Economic Area or Switzerland for the three years prior to the first academic year of their course of study. In addition, those students have access to funding provided by the European Union for higher or vocational education. In 2016, two students from Montserrat were awarded the Chevening scholarship by the Government of the United Kingdom to study in the United Kingdom. In addition, in accordance with decision 2013/755 of the Council of the European Union on the association of the overseas countries and territories with the European Union, the European Union provides access to funding for higher education and vocational education.

D. Public health

30. The Ministry of Health is responsible for providing primary and secondary health-care services, environmental health services and foster care, in addition to health-related policy advice in areas such as general medical care and surgical care, diagnostic testing, eye and ear care and medication. The territorial Government offers free emergency dental services for school-age children, older persons, pregnant women, teachers, nurses, and police and fire officers, in addition to providing highly specialized health services through arrangements for a number of specialists to visit the Territory. At the same time, protocols are in place for emergency medical evacuation to Antigua and Barbuda and Guadeloupe.

31. The Territory's health facilities include the 30-bed Glendon Hospital in Saint John's, which offers services relating to routine health issues, X-rays and minor operations, in addition to several primary care clinics. According to the administering Power, public consultations on the potential sites for the construction of new hospital facilities are ongoing, with the aim of building the new hospital by 2019. A recent report commissioned by the Government of Montserrat sets out potential ways forward with regard to the scale, scope and location of the new hospital.

32. According to the Pan American Health Organization, Montserrat has an effective primary health care system, and basic secondary care services are available at one hospital. There are no tertiary facilities available. To address that gap, in its national sustainable development plan for the period 2008–2020, entitled "A healthy and wholesome Montserrat", the Government of Montserrat indicated that its goal was to ensure that residents of Montserrat had access to secondary and tertiary health care at affordable prices by 2020. Noncommunicable diseases remain the leading causes of morbidity and mortality; in the period 2010–2015, they were the leading causes of consultations at the district health centres and admissions to Glendon Hospital. They were also the leading underlying causes of death.

33. At its sixth meeting, the Overseas Territories Joint Ministerial Council welcomed the fact that the Department of Health of the United Kingdom had continued its support for and commitment, in partnership with the territories and Public Health England, to raising awareness of international health regulations and to developing the relevant capacity to respond to major public health incidents, including outbreaks. The United Kingdom and the overseas territories discussed the importance of raising awareness of and building capacity and expertise in the territories for tackling non-communicable diseases, such as obesity and mental health problems, and the impact of those challenges on the populations of the territories. They committed themselves to working together on those important issues so as to share best practices and resources on preventive approaches and the ways in which they could be adapted to respond to local needs.

E. Crime and public safety

34. Under a five-year strategy, the Royal Montserrat Police Service is focusing on neighbourhood and intelligence-led policing, crime reduction and prevention and partnerships with the criminal justice system. According to the administering Power, Montserrat has a very low crime rate compared with the rest of the Caribbean region.

35. In 2017, the United Kingdom continued to provide funding for a law enforcement adviser based in Miami, United States of America, who coordinated, managed and facilitated training and the provision of strategic advice in order to introduce new techniques and skills to the Territory's law enforcement agencies. Furthermore, RFA *Mounts Bay* has been stationed in the Caribbean since January 2017, as part of the North Atlantic patrol tasking of the Royal Navy, ensuring a year-round maritime presence of the United Kingdom and providing humanitarian assistance, disaster relief and crisis communications support in the region. The ship also worked with other regional navies and coast guards to combat illegal activities on the high seas. RFA *Mounts Bay* and HMS *Ocean* provided vital humanitarian relief to the region, in particular to the three Territories — Anguilla, the British Virgin Islands and the Turks and Caicos Islands — affected by Hurricane Irma and Hurricane Maria, in September.

F. Human rights

36. Under the Territory's Constitution, provision is made regarding the fundamental rights and freedoms of the individual. Major international and European human rights instruments have been extended to Montserrat. In addition, according to the administering Power, Montserrat has requested the extension to the Territory of the ratification by the United Kingdom of the Convention on the Elimination of All Forms of Discrimination against Women and aims to complete that process by 8 March 2018, to mark International Women's Day.

37. According to the information provided by the administering Power, currently there are no government bodies or non-governmental organizations addressing human rights issues in Montserrat. In September 2016, a representative from the island was sent to the first Overseas Territories Human Rights Conference with a view to establishing a human rights body to address those concerns.

38. At the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the leaders of the overseas territories discussed their shared

resolve to continue to promote respect for human rights and compliance with international obligations in the territories. In the communiqué adopted at that meeting, they welcomed the constructive engagement of the territories in the preparations for the universal periodic review process of the Human Rights Council in that regard. The leaders of the overseas territories also reaffirmed their commitment to ensuring the highest possible standards for the protection of children and promotion of children's welfare in the territories. At the meeting, the United Kingdom and the overseas territories discussed the progress made in promoting interagency cooperation in the territories and the development of national response plans to define policy priorities, noted the particular challenges for those territories affected by the recent hurricanes and agreed that children's welfare should remain a central priority for recovery plans, including through the reconstruction of schools. In addition, they welcomed the progress made under a memorandum of understanding to promote more effective collaboration between the overseas territories for the safeguarding of children.

V. Environment and volcanic activity

39. Following the eruption of the Soufrière Hills volcano in 1995, an exclusion zone comprising roughly the southern two thirds of the island was established. Since the last major eruptive activity, in February 2010, the volcano has been in a state of pause and some restrictions in access to zone C, which is part of the outer exclusion zone, were lifted in 2014, allowing unrestricted access to some areas.

40. According to the administering Power, Montserrat has a clearly defined institutional framework for disaster response, which was tested in 2013. A hurricane plan, which was produced in 2013 and is revised annually, outlines the major tasks to be undertaken by the Territory's agencies, ministries or departments as part of the emergency management system in planning for and responding to tropical weather systems.

41. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Governments of the United Kingdom and the overseas territories recognized that the destruction wrought by Hurricane Irma and Hurricane Maria had served as a reminder of the vulnerability of the overseas territories to climate change-related events and the devastating effect that they could have on the lives and livelihoods of those who lived there. They committed themselves to continuing the practice of mutual engagement ahead of international forums on climate change, to ensure that the views and priorities of the overseas territories were fully reflected in negotiations. It was agreed that a representative from the territories would attend the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in Katowice, Poland, from 3 to 14 December 2018, as part of the delegation of the United Kingdom, highlighting the value of their presence in helping to amplify the shared message of the need for a high degree of ambition on climate change-related targets. The United Kingdom reiterated its commitment to working with the overseas territories on the issue of extending the application of treaties concerning climate change to the territories, including taking forward the work to extend its ratification of the Doha Amendment to the Kyoto Protocol to those territories that had indicated their readiness for it, through initial consultation with territories that had an interest in participating in meetings concerning the Paris Agreement to be held in the first half of 2018. The importance of work in the territories on climate change adaptation and

mitigation and collaboration between the territories to share best practices on environmental management and climate change issues, including through the annual meetings of ministers of the environment of the territories, was emphasized.

VI. Relations with international organizations and partners

42. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. According to the administering Power, the Territory continues to maintain a bilateral dialogue with the International Monetary Fund, involving the public sector, banking, business and union representatives.

43. Montserrat is a founding member of both the Caribbean Community and the Organisation of Eastern Caribbean States (OECS) and a member of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank, in addition to the Assembly of the OECS, which was established in 2012 under the Revised Treaty of Basseterre to support the legislative work of OECS. Moreover, the Territory has observer status with the Caribbean Financial Action Task Force and is a member of the Caribbean Regional Fisheries Mechanism.

44. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. Under decision 2013/755 of the Council of the European Union, which, according to the administrative Power, was approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world, the Territory is in partnership with the European Union.

45. According to the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories continued their dialogue on the implications for the latter of the decision by the United Kingdom to leave the European Union (known as "Brexit"). In addition, it was indicated that a clear objective of the exit negotiations was to achieve an agreement that worked for all parts of the United Kingdom family, and the United Kingdom affirmed that it would seek to ensure that the security and economic sustainability of the overseas territories was preserved and, where possible, strengthened post-"Brexit".

VII. Future status of the Territory

A. Position of the territorial Government

46. Information on the position of the territorial Government regarding the future status of Montserrat is set out in section I above.

B. Position of the administering Power

47. At the 8th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 9 October 2017, during the seventy-second session of the General Assembly, the representative of the United Kingdom stated that the

relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. He said that the territories were an integral part of global Britain and the United Kingdom's commitment to its territories' security and prosperity remained strong, as demonstrated by the swift and comprehensive response to the devastation wreaked in some territories by Hurricane Irma, and the ongoing recovery efforts.

48. The representative of the United Kingdom went on to say that, the Joint Ministerial Council was the primary forum for high-level political dialogue between the United Kingdom and the overseas territories. As the United Kingdom negotiated to leave the European Union, it was fully committed to taking into account the priorities of the overseas territories, including Gibraltar. The United Kingdom-Overseas Territories Joint Ministerial Council on European Union negotiations had been established to discuss the priorities of the territories and determine further areas for collective engagement. He added that the fundamental responsibility of the Government of the United Kingdom, under international law and the Charter of the United Nations, was to ensure the security and good governance of the territories and their peoples.

49. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Government of the United Kingdom and the leaders of the overseas territories indicated that the principle of equal rights and self-determination of peoples, as enshrined in the Charter, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed themselves to exploring the ways in which the overseas territories could maintain international support in countering hostile sovereignty claims. For those Territories with permanent populations who wished it, the United Kingdom would continue to support their requests for removal from the list of Non-Self-Governing Territories. The Government of the United Kingdom and the leaders of the overseas territories agreed that the fundamental structure of their constitutional relationships had been the right one — powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining those powers necessary to discharge its sovereign responsibilities. They also agreed upon the need to continue their engagement on those issues to ensure that constitutional arrangements worked and were developed effectively to promote the best interests of the territories and of the United Kingdom.

VIII. Action taken by the General Assembly

50. On 7 December 2017, the General Assembly adopted, without a vote, resolution 72/103 on the basis of the report of the Special Committee for 2017 (A/72/23) and on the subsequent recommendation by the Fourth Committee. In that resolution, the General Assembly:

(a) Reaffirmed the inalienable right of the people of Montserrat to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of decolonization of Montserrat, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of Montserrat to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Recalled the 2011 Constitution of Montserrat and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

(e) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(f) Welcomed the Territory's participation in the work of the Organisation of Eastern Caribbean States and the Economic Commission for Latin America and the Caribbean;

(g) Encouraged the Territory to continue to participate in the activities of the Special Committee, including regional seminars;

(h) Called upon the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption;

(i) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of Montserrat and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Montserrat and the administering Power;

(j) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Montserrat, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(k) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(l) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for

all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that were not aligned with the interest of the people of the Territory;

(m) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(n) Requested the Special Committee to continue to examine the question of Montserrat and to report thereon to the General Assembly at its seventy-third session and on the implementation of the resolution.

Annex

Map of Montserrat

United Nations A/AC.109/2018/11

General Assembly

Distr.: General
24 January 2018
English
Original: French

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power on 7 December 2017 under Article 73 *e* of the Charter of the United Nations. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: New Caledonia is a Non-Self-Governing Territory under the Charter of the United Nations. It is administered by France. New Caledonia is defined as a French overseas sui generis community under the French Constitution and has enhanced autonomy.

Representative of administering Power: Thierry Lataste, High Commissioner of the Republic (since 21 June 2016).

Geography: Located in the Pacific Ocean, about 1,500 km east of Australia and 1,800 km north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands, the Bélep Archipelago, the Isle of Pines and the Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands.

Land area: 18,575 km² (the Territory as a whole); 16,750 km² (Grande Terre).

Exclusive economic zone: 1,422,543 km².

Population: 268,767 (2014 census).

Life expectancy at birth: women: 80.1 years; men: 74.4 years (2015).

Ethnic composition: 39.1 per cent Melanesians, mainly Kanaks; 27.2 per cent persons of European origin, mainly French; 8.2 per cent Wallisians and Futunians; 2.1 per cent Tahitians; 1.4 per cent Indonesians; 0.9 per cent Vietnamese; 0.9 per cent Vanuatuans; and 21.2 per cent populations classified by the French National Institute of Statistics and Economic Studies as "others".

Languages: The official language is French. About 27 Kanak vernacular languages are spoken in geographically distinct regions. Under the Nouméa Accord, Kanak languages and French are the languages of instruction and culture.

Capital: Nouméa, located in the south of Grande Terre.

Head of territorial Government: Philippe Germain (since 1 April 2015).

Main political parties: The Congress includes four political groups (six members are required to form a group). The two anti-independence groups are the intergroup Calédonie ensemble, Rassemblement, Mouvement populaire calédonien (Les Républicains), and the Républicains calédoniens. The two pro-independence groups are UC-FLNKS et nationalistes (Union calédonienne-Front de libération nationale kanak socialiste, Union pour construire les loyauté, Dynamique unitaire Sud and Parti travailliste) and UNI-Palika (Union nationale pour l'indépendance-Parti de libération kanak).

Elections: The most recent national elections were held on 23 April and 7 May 2017 (presidential election) and 11 and 18 June 2017 (legislative elections). The most recent local elections were held on 23 and 30 March 2014 (municipal) and 11 May 2014 (provincial).

Legislature: Congress of New Caledonia.

Gross domestic product per capita: 3.49 million Pacific francs (2015).

Unemployment rate: 14.7 per cent (2014).

Economy: Mining industry (notably nickel), construction and tourism.

Monetary unit: Pacific franc or CFP franc (1,000 CFP francs = 8.38 euros (fixed exchange rate).

Brief history: In 1774, the British captain James Cook discovered Grande Terre and named it "New Caledonia". France annexed New Caledonia on 24 September 1853. In 1942, the United States of America chose New Caledonia for its military base in the Pacific. Some 20,000 New Zealand soldiers were stationed in New Caledonia during the Second World War. In 1946, France made New Caledonia an overseas Territory with limited autonomy. In the 1970s, supporters of independence were highly active, leading to violence during the 1980s known as the "événements" (events). In 1988, the Matignon Accords led to the establishment of three provinces with the aim of restoring the balance of power. Ten years later, in 1998, the Nouméa Accord provided for the gradual autonomy of the Territory. A referendum on whether New Caledonia should assume full sovereignty will be held between 2014 and 2018, but may not be held in the last six months of the term of the current Congress of New Caledonia. The Congress has until the end of May 2018 to request the administering Power, by a three-fifths majority of its members, to hold the referendum. After that time, the date will be set by the administering Power between May and November 2018.

I. Constitutional, political and legal issues

1. New Caledonia is a sui generis community within the French Republic, governed under part XIII of the Constitution ("Transitional provisions pertaining to New Caledonia"). The French Minister for Overseas Territories, Annick Girardin, has responsibility for New Caledonia, and in that capacity, ensures the coordination and implementation of the actions of the Government of France in accordance with the Territory's status and organization. The administering Power is represented in the Territory by a High Commissioner, who exercises the authority of the French Republic in New Caledonia. This position is currently held by Thierry Lataste. Under the Organic Act of 19 March 1999 concerning New Caledonia, the administering Power retains prerogatives in a number of areas, including diplomacy, immigration and alien control, currency, the Treasury, trade, defence, justice and maintenance of public order. In the area of defence, the High Commissioner performs functions prescribed by the relevant legislation. New Caledonia has an air force base, a navy base and one infantry regiment, with a total of around 1,700 military personnel. The Armed Forces of New Caledonia conduct the sovereign missions of the administering Power and provide support to the territorial Government in the exercise of its civilian security responsibilities.

2. The administering Power is responsible for the maintenance of public order, discharged by almost 400 national police officers and around 800 members of the gendarmerie (including mobile gendarmerie squadrons). To address the concerns of the authorities in New Caledonia, the administering Power reinforced substantially these personnel by deploying an additional mobile gendarmerie squadron in November 2016, creating 53 additional positions (23 for the national police and 30 for the gendarmerie) in 2017 and providing them with new materiel.

3. The Territory is part of the metropolitan French judicial system, with some special features such as the obligation to use customary judges in cases involving disputes between persons with customary civil status. The Court of Appeal is located in the capital, Nouméa. Appeals on points of law can be filed with the French Court of Cassation.

4. The Kanak independence movement was launched in the 1970s in response to the process of decolonization in Africa and Oceania, and as a reaction to the large movements of people from metropolitan France in the late 1960s and early 1970s. In 1984, the Front de libération nationale kanak socialiste (FLNKS) was founded as an umbrella organization for the pro-independence parties, and later that year it established a provisional independent Government. Between 1984 and 1988, about 80 people died in violent confrontations between pro- and anti-independence elements. The violence was eventually halted with the conclusion of the Matignon Accords on 26 June 1988 between FLNKS, the anti-independence Rassemblement pour la Calédonie dans la République and the Government of France. Information on the Matignon Accords and the Nouméa Accord, concluded in 1998, is available in previous working papers prepared by the Secretariat (see, for example, A/AC.109/2016/11).

5. Under the Nouméa Accord, France agreed to transfer certain non-sovereign powers to the Government of New Caledonia between 1998 and 2018. A referendum on whether New Caledonia should assume full sovereignty will be held between 2014 and 2018, but may not be held in the last six months of the term of the current Congress of New Caledonia. The Congress has until the end of May 2018 to request the administering Power, by a three-fifths majority of its members (33 members), to

hold the referendum on the assumption of full sovereignty. After that time, the date will be set by the administering Power. According to the administering Power, since it seems there will be no qualified majority before May 2018, the referendum should take place in November 2018. Although the precise question has yet to be determined, pursuant to the Nouméa Accord, it will refer to the transfer of sovereign powers to New Caledonia, access to an international status of full responsibility and the organization of citizenship by nationality. Should independence be rejected, a second referendum may be held in 2020 at the request of one third of the members of the Congress (19 members). If independence is again rejected, a third referendum may be held in 2022 under the same conditions. If the response is still negative, the parties to the Accord will meet to consider the situation thus created. The full text of the Nouméa Accord is contained in the 1998 working paper (A/AC.109/2114, annex).

6. New Caledonia has a 54-member Congress drawn from the elected membership of the three provincial assemblies (15 of the 22 members of the North Province assembly, 32 of the 40 members of the South Province assembly and 7 of the 14 members of the Loyalty Islands Province assembly).

7. In accordance with the Nouméa Accord, a set of institutions was established to accommodate full recognition of the Kanak identity and culture. There are eight customary councils representing eight customary regions. In addition, a Territory-wide customary Senate with a rotating presidency comprises 16 members, with 2 members selected by each customary council. According to the administering Power, the customary Senate is consulted by the executive and legislative bodies of New Caledonia on all matters related directly to the Kanak identity but has no normative power. The customary Senate has a budget for its operations (article 147 of Organic Act No. 99-209 of 19 March 1999).

8. Political parties in New Caledonia are divided between those favouring New Caledonia remaining part of France and those favouring independence, with a number of nuances within each position. The 2014 election resulted in a Congress of 29 anti-independence and 25 pro-independence members. Alliances forged during the legislative elections of 11 and 18 June 2017 led to a reconfiguration of the political groups in the Congress. For example, the anti-independence movement is now made up of the intergroup with 23 seats following the signing, between the two rounds of the legislative elections, of the common platform for Calédonie dans la France et dans la paix by Philippe Gomès (Calédonie ensemble), Pierre Frogier (Rassemblement-les Républicains), Gaël Yanno (Mouvement populaire calédonien), Pascal Vittori (Tous calédoniens) and the group Les Républicains calédoniens, led by Sonia Backès, with 6 seats. With this majority, Thierry Santa (Rassemblement-les Républicains) was re-elected President of the Congress on 19 July 2017. The pro-independence movements represented in the Congress are Union calédonienne-FLNKS (UC-FLNKS) et nationalistes, with 15 seats; Union nationale pour l'indépendance-Parti de libération kanak (UNI-Palika), with 9 seats; and Libération kanak socialiste (LKS), with 1 seat.

9. Following the resignation of Philippe Dunoyer, who elected to fulfil his term as a member of the Congress, the fifteenth Government, elected by the Congress on 31 August 2017 on the basis of a proportional system, comprises 11 members. It consists of six members of the anti-independence groups (five from the intergroup and one from Républicains calédoniens), and five pro-independence members (three from the Union calédonienne (UC)-FLNKS et nationalistes and two from UNI-Palika). Philippe Germain (member of the intergroup) was elected for the first time on 1 April 2015 and was re-elected on 1 December 2017.

10. There are several electorates in New Caledonia: the general electorate, the special electorate consisting of those eligible to vote in elections to the Congress and the provincial assemblies, and a special electorate consisting of those eligible to participate in the final status referendums under the Nouméa Accord (see A/AC.109/2015/15). The administering Power reports that this latter electorate was established for the first time in 2016. It comprises about 157,869 voters and includes all voters who can demonstrate a strong and enduring commitment to the Territory owing to any of the following: they participated in the 1998 referendum; they hold customary civil status; they are long-time residents (20 years as at 31 December 2014); and their property and personal ties are mainly in New Caledonia.

11. Since 1999, the composition of the electorate for provincial elections has been a subject of intense political and legal debate between supporters of independence and advocates of keeping New Caledonia within the French Republic (see A/AC.109/2014/20/Rev.1). Every year, the special electoral rolls of voters eligible to participate in the election of members of the Congress and the assemblies are updated by special administrative commissions headed by magistrates. Each commission also includes a representative of the Administration appointed by the French High Commissioner, a representative of the mayor of the municipality and two representatives of voters in the municipality (one pro-independence voter and one anti-independence voter).

12. According to the administering Power, electoral matters are a source of controversy and tension in New Caledonia between the pro- and anti-independence parties. The representatives of the pro-independence political groups believe that there are persons who are unduly included on the special provincial electoral rolls and file petitions with the Court of First Instance of Nouméa for their removal from the rolls and for the inclusion of persons belonging to the Kanak community.

13. Following the meeting of the Committee of Signatories to the Nouméa Accord on 5 June 2015 (see A/AC.109/2016/11), a trusted expert was appointed to conduct a quantitative assessment of the electoral dispute. The expert's conclusions were formally presented at the meeting of the Committee of Signatories held on 4 February 2016. According to the administering Power, on the basis of a prior identification of 3,974 persons who were included on the special provincial roll but not on the general electoral roll for 1998, a number of local records were examined to identify those among them who had arrived before 8 November 1998, generating the results presented below.

14. The 3,974 persons registered on the special electoral roll for the election of members of the Congress and the provincial assemblies are divided into the following four categories:

(a) Those whose first recorded appearance is before 6 November 1988: 586;

(b) Those whose first recorded appearance is after 6 November 1988 and before 8 November 1998: 2,326;

(c) Those whose first recorded appearance is after 8 November 1998: 870;

(d) Those whose record did not contain any information: 192.

15. According to the administering Power, the partners agreed that only persons whose first recorded appearance was after 1998 and only those for whom no record had been found had to justify their situation with the administrative commissions. Those 1,062 persons were sent a letter indicating that the administrative commissions that will meet as part of the revision of the special provincial roll would ask them to

send documentation to prove their presence before 8 November 1998. Despite the political agreement, petitions for deregistration were filed with the Court of First Instance of Nouméa because some supporters of independence believed that, although the topic was politically closed, legally it remained open. Although, in the first instance, the judge ordered the deregistration of 54 persons, in October 2016 appeals to the Court of Cassation led to the reversal of those decisions.

16. Organic Act No. 2015-987 of 5 August 2015 on the referendum on the accession of New Caledonia to full sovereignty modified the organization and functioning of the special administrative commissions with the addition of an independent, non-voting qualified person, whose profile, role and process of appointment are established by decree. In addition, it strengthened the powers of the chair of the commission by transferring to the chair certain powers which had previously been assigned to the commission as a whole, namely the power to order investigations and to consult customary representatives. Decisions are taken by majority vote.

17. According to the administering Power, to ease these tensions a team of 13 experts from the United Nations was mobilized in 2016 and 2017. The experts served on the administrative commissions as independent qualified persons to assist with the revision of the special provincial electoral roll and to prepare the special roll for the referendum on self-determination. The experts issued two separate reports in 2016 and a single report in 2017, and made recommendations on how to improve the functioning of the special administrative commissions.

18. In response to the recommendations made by the United Nations experts, the administering Power reports that it has put in place the following measures:

(a) Implementation of an action plan to make the electoral rolls more exhaustive;

(b) Organization of an outreach campaign for registrations on the electoral roll;

(c) Organization of training sessions for the municipalities responsible for organizing the work of the commissions.

19. In this context, with regard to the special electoral roll for the referendum, the administering Power reports that in 2016 and 2017 it made a major effort to identify natives not registered on the roll. According to cross-checks of voter records (civil status, customary civil status, local social security, electoral roll, free medical assistance), 7,000 persons with customary civil status and 3,922 persons with ordinary status born in New Caledonia currently are identified as not being included on the general electoral roll. With the agreement of the political parties, the administering Power has sent 10,922 persons a letter informing them of their situation and explaining the procedure for registration on the general electoral roll before 31 December 2017, a prerequisite for future inclusion on the special roll for the referendum on self-determination. To make the electoral rolls more exhaustive, following the meeting of the Committee of Signatories of 2 November 2017, the pro-independence and anti-independence political groups requested that any person who has resided in New Caledonia for six months and is not included on any electoral roll at the national level be automatically registered on the general electoral roll. An organic draft law has been crafted in that regard to ensure that the procedure is implemented in 2018. Automatic registration on the general electoral roll is the first step toward ensuring that persons satisfying the criteria for registration on the special electoral roll are included on that roll.

II. Budget

20. The administering Power reports that the Territory's financial situation has deteriorated since 2012. The completion of major construction projects (metallurgical plants, construction of the Koutio Médipôle) and falling nickel prices over the period are the two main reasons. The business climate reached its lowest level in the first quarter of 2016 and remains low despite a slight improvement in the third quarter of 2017. Sectoral developments show a mixed picture: an increase in tourism and related activities (restaurants, hospitality); decline in construction and public works and business services.

21. The administering Power reports that New Caledonia faces the need to both ensure its own financial stability, following a decline in revenues, and participate more actively in economic recovery. To that end, in 2017 the Government successfully cut its operating expenses by 9 billion Pacific francs (CFP francs) when compared with 2014 and boosted the working capital of its public institutions, including the Post and Telecommunications Office and the Autonomous Port of New Caledonia in Nouméa. The objective is to maintain the same level of investment in 2017: 9.5 billion CFP francs (almost $83 million) to address, inter alia, the financing needs of critical infrastructure (including the new Société Le Nickel-SLN (SLN) power plant and the Ouiné dam). Also envisaged is a package of economic and fiscal reforms under a shared agenda involving employers and employees, political groups in the Congress and local government, to transition from a model of growth based on foreign investment to a model of growth based on local development.

22. On tax matters, the Congress passed two country laws on 1 September 2016, one establishing a comprehensive consumption tax to replace the existing seven taxes and contributions; the other on competition, competitiveness and prices, which will mainly allow the Government to regulate prices in the event of a breakdown in competition, supply constraints, slippage in the prices of basic commodities or major crisis. The Territory has also established an emergency plan to support employment ("PULSE") which includes measures to revive investment, as well as an export support plan, which aims to diversify the economy, which for years has been focused on nickel. It is also worth noting the unanimous adoption by the Congress, on 11 August 2016, of the NC 2025 New Caledonia land-use planning and development plan.

III. Economic conditions

A. General

23. New Caledonia has one of the richest economies of all the Pacific islands, with a per capita GDP estimated in 2015 at 3.49 million CFP francs. This is largely owing to the preponderance of nickel mining and processing in the island's economy. Nickel production accounts for over 90 per cent of export earnings. However, there are still significant geographic disparities in income distribution, as the South Province, with 74.4 per cent of the population, accounts for 90 per cent of total expenditures and resources, while the North Province accounts for 18.8 per cent and the Loyalty Islands Province accounts for only 6.8 per cent. The economy is also highly dependent on transfer payments from the Government of France. Such payments amounted to over 152 billion CFP francs in 2015, up 0.74 per cent in one year, representing approximately 17.3 per cent of New Caledonia GDP. In comparison, the contribution

of the nickel sector to wealth creation is 3 per cent of GDP. Of the financial resources allocated by France, 48 per cent are used to finance sectors under State control, while 52 per cent are redistributed among local communities, including for development contracts. The Territory runs a significant structural trade deficit, despite a 34 billion CFP francs improvement in 2016 owing to declining imports.

24. According to the administering Power, New Caledonia has enjoyed steady growth over the past decade thanks to the construction of two nickel plants. The standard of living in the Territory is now comparable to that in the vast majority of regions in France and is close to that in New Zealand, which itself is the second highest in the Pacific region, after Australia.

25. According to the administering Power, the main investment drivers used by the Government of France are based on:

(a) Development contracts: the new generation of contracts that will cover the period 2017–2021 includes an allocation of 93.593 billion CFP francs, including 50 per cent in funding by the administering Power (47.136 billion CFP francs, approximately $413 million). The youth sector accounts for 70 of the 208 projects under contract and approximately 30 per cent of the funding that partners have planned to mobilize;

(b) Tax relief: unlike assistance for development contracts that specifically finance structural investments made by public authorities, overseas tax assistance targets private sector economic projects. Investments that received relief totalled more than 10 billion CFP francs in 2016 ($100 million) (estimate provided by the administering Power). The projects account for 79 per cent of social housing operations, even though this sector falls within the exclusive jurisdiction of New Caledonia. While the number of social housing projects submitted remains steady from one year to the next (12 projects on average per year, and a total of 5,000 dwellings over 10 years), the number for "productive" sectors (construction and public works, manufacturing, transport, etc.) is falling (8 projects in 2016 compared to 40 in 2011). The completion of the metallurgical plants has contributed to this decline. The tax relief mechanism was originally scheduled to expire in late 2017, but the French Prime Minister decided to extend it until 2025, offering project managers greater visibility. Major tax-relief investments planned include the acquisition of four Airbus aircraft by Air Calédonie International (Aircalin); the purchase of two new ATR aircraft by Air Calédonie; the construction of a gas-fired power station to supply energy for the SNL metallurgical plant; the construction of a hotel on the island of Lifou; the construction of a resort at Bourail; and the acquisition of several dozen buses for the "Néobus" reserved-lane public transport project.

B. Mineral resources

26. According to the report of the Overseas Issuing Institute for 2016, New Caledonia, with 9 per cent of the world's nickel reserves, is the fourth largest source of that metal in the world, after Australia (23 per cent), Brazil (13 per cent) and the Russian Federation (10 per cent). Cobalt is also mined commercially, and deposits of iron, copper and gold have been discovered and mined on a small scale in the past. Mining is carried out by about a dozen operators, the largest of which are SLN, the Nickel Mining Company, Vale New Caledonia and Koniambo Nickel SAS (KNS). The other operators are small-scale miners, who may or may not be owners of mining claims, and supply SLN or export crude ore. According to the administering Power, in 2016, New Caledonia extracted 15.4 million wet tons of ore, of which 5.82 million

were exported. New Caledonia produced almost 107,500 tons of nickel in 2016, accounting for only 4.2 per cent of world production. This share is expected to increase with the gradual increase in the activities of the Koniambo plant in the North Province and the Goro plant in the South Province. Employment in mining and metallurgy declined by 3.2 per cent over a 12-month period, with the sectors employing an estimated 7,261 people in 2016 (including those employed in related activities such as contractors, ore transporters and temporary workers).

C. Construction and manufacturing

27. The construction and public works sector would account for an average of 11 per cent of the wealth generated and employ some 9 per cent of wage earners in the Territory in 2016. According to the administering Power, after several years of sustained growth, this sector is now suffering following the completion of major projects and the slowdown in new housing construction. However, the law on local tax relief has buoyed the intermediate housing construction sector since 1 January 2014 and will continue to do so until 2018.

28. According to the administering Power, the development of the manufacturing sector is faced with high investment and production costs owing to the small size of the local market and the island status of the Territory, which raises the cost of inputs. To address these handicaps, the local authorities have launched a proactive policy to protect local production (imposition of bans or quotas on certain imports, and tariff protection) and offer tax incentives (preferential tax treatment of imports of investment goods and raw materials).

D. Agriculture and fisheries

29. Although the primary sector (excluding mining) represented around 2 per cent of wealth generation and wage employment (with at least 1,670 wage earners each year), it is nonetheless the principal activity of much of the rural population. In 2016, there were 6,432 farms and a family farming population of about 13,200 in the Territory. Agriculture, livestock and fisheries thus continue to constitute a subsistence economy, although the useful agricultural area is gradually shrinking (by one quarter in 10 years) and the development of the nickel industry and urbanization around these new employment hubs are absorbing part of the agricultural workforce. Cattle-raising on the west coast (mostly by farmers of European descent), pig farming and the export of venison and fish products to Europe are the most important cash-producing agricultural activities. According to the administering Power, New Caledonia is not self-sufficient in most agricultural and livestock sectors, and thus remains heavily dependent on imports.

E. Transport and communications

30. The transport and telecommunications sector accounts for 6.4 per cent of the value added in the Territory (based on 2016 figures), 6 per cent of wage employment (as at the end of 2016) and 4.4 per cent of registered companies. The Territory has a good road system in and around Nouméa. The road infrastructure in the rest of the Territory is gradually improving. New Caledonia has about 5,400 km of roads, of which about half are surfaced. Port activity in New Caledonia is organized around the infrastructure of the Autonomous Port of New Caledonia, based in Nouméa

(ninth-ranked French port and first-ranked overseas port); some secondary ports operated primarily in connection with nickel exploitation (in Grande Terre) and passenger traffic between the islands; and marinas, mainly in greater Nouméa. Overseas cargo shipping (inbound and outbound) is predominantly through Nouméa. The total volume of goods loaded and unloaded, apart from nickel ore, amounted to 3.2 million tons in 2016. The Autonomous Port also handles 8.6 million tons of nickel ore, of which 5.5 million tons are exported, while the rest consists of ore shipped to Doniambo from other mining centres. Container shipping is relatively stable, with just under 100,000 containers loaded, unloaded or trans-shipped. With 3,500 trans-shipments, the Autonomous Port serves as a regional hub, as 89 per cent of the goods trans-shipped remain within the Pacific region (primarily Fiji, New Zealand and Vanuatu).

31. Since 1 January 2000, New Caledonia has had authority over international traffic rights and air carrier operational programmes. Powers in policing and security in respect of air traffic were transferred, for domestic traffic only, on 1 January 2013. The New Caledonia Air Services Agency, a public enterprise of New Caledonia, is responsible for ensuring the continuity of air services. To this end, it owns 99.38 per cent of the shares in the airline Air Calédonie International (Aircalin). Five international companies operate regular flights to the Territory. In 2016, 515,166 passengers (arrivals and departures) were registered at Nouméa-La Tontouta International Airport. Frequent international flights link Nouméa's airport with neighbouring countries and with Japan, the United States of America and Europe. There are regular services from the Nouméa-Magenta domestic airport to the outer islands and major towns in Grande Terre. A new master plan for the airport was approved in June 2013. It will enable the airport to process 1.5 million passengers by 2030, including 600,000 passengers on domestic flights. The Territory-wide modernization of the transport system is also reflected by the development of a conceptual framework for transport for the period up to 2025, focusing on the complementarity and coherence of all modes of transport.

32. Regarding domestic service, New Caledonia has 14 airfields open to public air traffic. Domestic public transport services are provided by three companies. The Nouméa-Magenta airport, through which half of domestic traffic passes, recorded 431,872 passengers (arrivals and departures) in 2016. There are plans to extend and renovate the airport to adapt to the increase in domestic traffic. The work should begin in 2018 and conclude in 2019 and cost 1.5 billion CFP francs, financed as part of the State-New Caledonia development contract for the period 2017–2021. It should also be noted that a third cargo vessel has been put into operation, and work has begun on a project to build new port infrastructure on the island of Ouvéa.

33. The telecommunications sector includes the territorial operator, the Post and Telecommunications Office of New Caledonia, and its partners (Internet service providers, the mobile telephone company Mobilis and content providers). A submarine cable network connection between the Territory and Australia, brought into service in 2008, has significantly increased the Territory's network capacity. In recent years, Internet facilities and usage have grown rapidly. In 2016, mobile Internet services had 36,542 customers. The services have recently been supplemented by the launch of 4G service in the Territory in February 2015. The stated goal is to further reduce the digital divide and facilitate Internet traffic.

F. Tourism and environment

34. In the view of the administering Power, New Caledonia, with its geographical location and cultural richness, has real strengths and considerable tourism potential that has not yet been fully tapped. Tourism is thus a key to the Territory's economic development. The tourism sector accounts for just over 2 per cent of GDP (about $208 million), and 5,500 jobs. In 2016, 115,700 tourists visited the Territory, an increase of 2 per cent compared to 2015. In 2016, 509,463 cruise ship passengers visited New Caledonia, 65,000 more than in 2015.

35. The administering Power indicates that New Caledonia has a unique natural heritage characterized by a high rate of endemism, in particular among plants (76 per cent); striking land ecosystems (rainforest, maquis shrubland), some of which are particularly endangered (dry forest); and the second largest coral reef in the world after the Australia Great Barrier Reef. Recognized internationally as a global biodiversity hotspot, the Territory has now been doubly distinguished by the inclusion, in July 2008, of "Lagoons of New Caledonia: reef diversity and associated ecosystems" on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List and by the inclusion, in February 2014, of the lakes of the South Province of Grande Terre on the list of the Convention on Wetlands of International Importance especially as Waterfowl Habitat.

36. According to the administering Power, the various threats to this biodiversity have attracted the special attention of non-governmental organizations, such as the Conservation International Foundation, the World Wide Fund for Nature and the Pew Environment Group. According to the World Wide Fund for Nature, the dry tropical forest, whose few remaining isolated pockets represent less than 2 per cent of the original forest cover, is the most threatened vegetation in New Caledonia. Among the 117 plant species of the dry forest, 59 (50 per cent) are threatened. The first extinction of a plant species was recorded when fire destroyed the only known population of *Pittosporum tanianum*, a distinct species discovered in the mid-1980s.

37. According to the administering Power, biodiversity conservation is now at the heart of government concerns. Various actions are being taken by the three provinces, which have authority over environmental matters, and by the Government of New Caledonia in the exclusive economic zone: implementation of sustainable strategies for the management and conservation of iconic species (dugong, kagu) and heritage ecosystems (including dry forests); and establishment of a New Caledonia nature reserve to coordinate actions among the various partners involved (Government and civil society) in three priority areas, identified as UNESCO World Heritage sites, dry forests and the control of invasive alien species. Protected areas have been established at the provincial level, and the Natural Park of the Coral Sea was established in 2014; its management committee is working to develop a management plan. It covers the entire area under the jurisdiction of New Caledonia, or 1.3 million km^2. It should also be noted that an assessment of all the flora of New Caledonia (more than 3,000 taxa) is being conducted by groups of specialists from the International Union for Conservation, to determine the risks of extinction of various species for inclusion on the Red List of Endangered Species. The assessment began in 2014 and is expected to continue for five years. New Caledonia is also under an obligation to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and issues import, export and re-export permits. On 11 August 2016, the Congress approved the deliberation on the implementation of the Convention (transposition into local law).

38. Mining activity and its impacts on the natural and human environment on land will henceforth be strictly regulated by regulations established in New Caledonia (the Mining Code in 2009 and provincial environmental codes starting in 2008). However, they do not apply to the soil and subsoil of the maritime space. The codes have chapters on protection of the natural heritage, natural resource management and the prevention of pollution, hazards and nuisance, which impose rigorous requirements in terms of good practices and compensatory measures. Furthermore, the Nickel Fund, which was established in 2009, allows for the gradual rehabilitation of sites affected by past mining activity.

IV. Social conditions

A. General

39. According to the 2016 report of the Overseas Issuing Institute, the Territory has a high human development index. The adult literacy rate is over 96 per cent and school enrolment (all levels) stands at 89 per cent. Nevertheless, according to the French National Institute of Statistics and Economic Studies, the Territory suffers from inequalities and imbalances in several areas, including the social and economic spheres. Some 74.4 per cent of the population is concentrated in the South Province. Including the suburbs of Nouméa, the Greater Nouméa metropolitan area is home to 67 per cent of the population. Population density in the South Province is 29 inhabitants per km^2 (999.7 inhabitants per km^2 in Nouméa), compared to only 5.3 inhabitants per km^2 in the North Province and 9.2 inhabitants per km^2 in the Loyalty Islands Province (2014). Among the population aged 15 years or over, 34 per cent of those living in the North and Loyalty Islands Provinces have no educational qualifications, compared to just 18.31 per cent of those living in the South Province.

40. According to the administering power, in 2016, the Government formed in April 2015 established two mechanisms to combat the high cost of living. At the same time, the High Commissioner is conducting negotiations with the banks with a view to reducing the fee disparities compared with metropolitan France. In early 2017, the Government issued an order imposing a reduction of 25 per cent for three fees: account fees, Internet subscription fees and the fees for setting up direct debits. On 1 September 2017, the banks introduced further reductions, this time by agreement: 30 per cent for Internet subscriptions and debit cards and 10 per cent for direct debits.

41. The concept of economic rebalancing is rooted in the 1998 Nouméa Accord and in the aim of achieving a more harmonious distribution of job and wealth creation throughout New Caledonia in preparation for the Territory's potential accession to full sovereignty. This concept led to the development of a formula for budgetary allocations that proactively favours the North (31.3 per cent) and Loyalty Islands (16 per cent) Provinces on account of their demographic weight and the imbalances to be corrected. It has also resulted in the development of the Voh-Koné-Pouembout area and the establishment of a nickel plant (KNS, with the Glencore partnership) in the North Province.

42. Nearly twenty years after the Nouméa Accord, the central component of the rebalancing initiative is the Koniambo Nickel SAS plant in Vavouto, municipality of Voh. To assist the plant in overcoming financial constraints caused by furnace failures and the collapse of the nickel market, the administering Power indicates that in November 2016 it decided to maintain the tax relief system (Girardin law). According to the administering Power, this fiscal mechanism enabled Glencore, joint shareholder

of KNS, to rebuild furnace No. 2, which resumed operations in December 2017. This will help to increase output. The establishment of the plant has resulted in significant, rapid development in the municipalities of Voh, Koné and Pouembout (the "VKP area"), with housing and infrastructure development facilitated by the various institutions (North Province, New Caledonia Government, Government of France) through their public policies.

43. The administering Power also indicates that it has concluded development contracts with the North Province and municipalities, thereby mobilizing significant financial resources. These subsidies have helped to support the development of municipalities in the area (17 municipalities comprising 199 tribes, which constitute separate villages to be served and provided with infrastructure), and to improve primary infrastructure (drinking water, roads, sanitation and miscellaneous public infrastructure) (see A/AC.109/2017/11).

44. In the South Province, the construction of a metallurgical plant has also received support from the administering Power and local authorities. This plant, located in Goro, is operated by the company Vale New Caledonia. A 95 per cent share of the plant is owned by Vale Canada and a 5 per cent share is owned by Société de Participation Minière du Sud Calédonien, a holding company belonging to the three provinces. The Goro plant uses a hydrometallurgical process, which makes it possible to exploit low-grade nickel ore (see A/AC.109/2017/11).

45. According to the administering Power, the mining company Société Minière du Sud Pacifique SA, which belongs to the North Province, also owns 51 per cent, in partnership with a Korean steel concern, of a metallurgical facility built in Gwanyang, Republic of Korea, which has a nominal capacity of 30,000 tons per year. A second production line has been added at this facility, bringing that figure to 54,000 tons per year.

46. The administering Power indicates that the support loan which it granted to SLN has enabled the company to recover from a perilous financial situation. The administering Power indicates that the company made a net loss over the past four years. Approximately 2,200 people are employed by SLN, two thirds of whom work at the Doniambo metallurgical site in Nouméa.

B. Employment

47. According to employment estimates from the French National Institute of Statistics and Economic Studies, as at the second quarter of 2017, the number of wage earners in New Caledonia stood at 93,084, which was slightly higher than in previous years. Private wage earners accounted for 71 per cent of total wage employment, with the remaining 29 per cent being public wage earners (of which 24 per cent were State civil servants, 36 per cent were New Caledonia civil servants and 40 per cent were contract employees). According to the Overseas Issuing Institute, as in previous years, the number of job seekers continued to grow in 2016 (averaging +9.7 per cent annually, or 657 new job seekers). At the same time, the number of jobs continued to fall in 2016 (-13.5 per cent), with 7,133 new jobs created that year, the lowest number recorded in 10 years.

48. Regional disparities are also evident in the labour market, with unemployment particularly high in the North Province. According to the administering Power, since the Koniambo plant in the North Province gradually began operations in 2012, some 8,000 new jobs have been created, directly and indirectly, many of them for the local

population, although in many cases these were temporary jobs. According to the 2016 report of the Overseas Issuing Institute, the number of jobs fell sharply in the North Province (-19.6 per cent) as a result of the difficulties encountered by the metallurgical plant in the north. The rise in the number of job seekers is notable in the South Province (+11.1 per cent), which is home to three quarters of all job seekers, and also in the North Province (+9.6 per cent). The Government of New Caledonia indicated that it had no statistics confirming the high unemployment rate among Kanaks.

49. In addition, in December 2016, the Congress adopted a country law to promote employment of locals in the New Caledonian civil service (see A/AC.109/2017/11).

50. Lastly, in addition to the corrective measures taken to ensure rebalancing (see A/AC.109/2016/11), the administering Power is committed to addressing the issue of the "caledonization" of jobs by promoting the return to New Caledonia of Caledonian officials posted to metropolitan France.

51. According to the administering Power, some Kanak representatives have in the past expressed concerns over the influx of immigrant labour in New Caledonia. The Government of the Territory has acknowledged this fact, while noting that the immigrant community includes highly qualified workers as well as technicians and managers not available in the local labour force. Furthermore, the duration of stay was limited to 18 months for the first category of these immigrants and to four years for the second category. According to the Government of New Caledonia, three quarters of the immigrant workers employed at the nickel plant in the South Province have already left the Territory. Such demobilization has also accelerated considerably at the North Province plant.

C. Education

52. In 2017, student enrolment in New Caledonian schools stood at 70,916, with 35,150 students in the 266 public and private primary schools and 30,970 students in the public or private secondary schools under contract (17,842 in 57 middle schools and 13,128 in 21 high schools and high school campuses).

53. In 2016, the Congress of New Caledonia adopted an educational project that lays the foundations for schools adapted to the realities of the Territory, based on mutual respect, solidarity and tolerance. In October 2016, a protocol for the implementation of the educational project was signed by the head of the Government of New Caledonia and the administering Power. According to the Overseas Issuing Institute, the protocol provides for the allocation of 5.4 billion CFP francs in appropriations to support the New Caledonia educational project. In December 2016, the Congress adopted a charter for implementation of the education policy in New Caledonia, which includes a three-year action plan for the period 2017–2019.

54. Under the "Cadres for the Future" framework, 1,648 trainees have now been trained and are providing their expertise to various communities, governments and enterprises in New Caledonia. Some 71 per cent of these trainees are of Kanak origin. The success rate is high: 95 per cent of trainees find employment within three months of their return to New Caledonia. Since 2006, the administering Power has maintained its financial commitment at 644 million CFP francs (approximately $5.63 million), while New Caledonia provides 59 million CFP francs ($516,000). New initiatives have been undertaken to identify and train individuals in the following fields of excellence:

(a) Public secondary school teaching: between 2010 and 2017, 35 trainees of Kanak origin received permanent appointments, bringing to 64 the number of teachers of Kanak origin in the public sector;

(b) Medicine and high-level health-sector occupations: in 2017, five practising doctors who had received support from "Cadres for the Future" were of Kanak origin;

(c) Judiciary and legal and judicial occupations;

(d) Senior management and, in general, occupations relating to the exercise of sovereign powers. In these fields, a Kanak passed the maritime administrator examination and is studying at the naval academy.

55. With respect to the social and vocational integration of young people in difficult circumstances, the French army has an adapted military service regiment that provides training in various manual occupations (mechanics, construction, public works, animal husbandry, hospitality, food service) and job placement for approximately 500 young New Caledonians per year. The adapted military service fulfils a social mission and aims to provide a comprehensive response to social exclusion, unemployment, alienation and illiteracy among young people. In view of its success, the programme will be stepped up, particularly in the North Province. The placement rate is 76 per cent, with 90 per cent of volunteers of Kanak origin. The administering Power has agreed to fund about 75 additional places in 2017, which will bring the number of beneficiaries to nearly 600.

D. Health

56. Since 1990, life expectancy at birth has increased in New Caledonia by seven years. In 2015, it was estimated at 80.1 years for women and 74.4 years for men. Indicative of the overall standard of living, these figures for life expectancy place New Caledonia slightly below France and make it a leader in Oceania. The infant mortality rate, which is indicative of the quality of obstetrical and paediatric care in a country, has been dropping steadily, from 27 per thousand in 1980 to 10.7 per thousand in 1990 and 5.2 per thousand in 2015, despite a slight increase compared with previous years (3.7 per thousand in 2014 and 3.2 per thousand in 2013), when the rates were close to those in metropolitan France (3.5 per thousand in 2015).

57. According to the report of the Overseas Issuing Institute for 2016, just over two thirds of adults (67 per cent) aged between 18 and 60 years are overweight. Of those, 30 per cent are overweight and 38 per cent are obese. According to the administering Power, the incidence of addiction, including consumption of alcohol and use of tobacco and cannabis, is high in New Caledonia. The administering Power and local authorities have mobilized to coordinate a strategic health plan for New Caledonia for the years to come (see A/AC.109/2017/11).

58. The Territory has two public hospitals (539 beds and 47 spaces for one-day hospital stays in medicine, surgery and obstetrics), two private establishments (150 beds and 41 spaces for one-day hospital stay) and one specialized psychiatric and geriatrics hospital (185 beds and 83 spaces for one-day hospital stay). A number of projects to restructure hospital services are under way.

59. The Koutio Médipôle hospital near Nouméa, which was built at a cost of 50 billion CFP francs, accepted its first patient on 5 December 2016 and has been operational since 2017. It brings together, on a single site, the new territorial hospital

with a capacity of 539 beds, a logistical health-care facility (Logipôle) of the Pasteur Institute of New Caledonia and an oncology centre. The hospital has consolidated a number of ageing facilities into a state-of-the-art health-care hub built on a 20-hectare campus, with strong links to the urban and natural environment. The overall project concept is based, among other things, on the use of renewable energy sources. The project was funded in part by the administering Power through development contracts ($15.7 billion for the period 2011–2015). In Nouméa, the three private clinic locations are being consolidated to create a single-site private hospital in Nouville. Work on this began in 2015, with the opening planned for the middle of 2018. The new facility, costing 13.2 billion CFP francs, will have a capacity of 269 beds. All medical activities will be carried out on a site covering 25,000 m^2. Lastly, in the North Province, hospital services will be restructured with the construction of a new, 64-bed hospital in Koné, at a cost of 6 billion CFP francs, and the reconfiguration of activities at the Koumac and Poindimié sites to focus on follow-up care and rehabilitation. At the provincial level, integrated public health care is provided through medical and social services centres in almost every town in the Territory. Of these, seven have a total of 78 beds.

V. Relations with international organizations and partners

60. The Organic Act of 19 March 1999 establishes the legal framework governing the establishment of external relations by New Caledonia. New Caledonia has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1992. In 2006, it became an associate member of the Pacific Islands Forum, and in September 2016 was accepted as a full member. According to the administering Power, this was an important step in the implementation of the Nouméa Accord towards a greater international role. In 2017, New Caledonia attended the Forum, held in Apia, as a full member for the first time. The administering Power indicates that New Caledonia now wishes to join the Melanesian Spearhead Group, of which only FLNKS is a member.

61. New Caledonia is also a member of the Pacific Community, the oldest regional organization in the Pacific, which has its secretariat in Nouméa. Other regional agreements to which New Caledonia is a party include the Pacific Regional Environment Programme, the Pacific Islands Forum Fisheries Agency, the Western and Central Pacific Fisheries Commission, the Pacific Islands Development Forum, the World Health Organization, the Oceania Customs Organization, the Oceania Regional Anti-Doping Organization, the South Pacific Tourism Organization and the Pacific Power Association. Regional cooperation among universities has gained momentum since 2013. For example, the Pacific Islands Universities Research Network, formally established on 10 July 2013, brings together 11 Pacific Island universities and aims to contribute in a more structured way to the training of young professionals and development in the Pacific. It thus represents a genuine regional platform to support public policies. Since October 2016, New Caledonia has been attending meetings of the World Health Organization Regional Committee for the Western Pacific as an autonomous non-voting member. Finally, New Caledonia, with the support of the Government of France, was granted associate membership in the International Organization of la Francophonie in November 2016 and in UNESCO in October 2017.

62. New Caledonia has continued to strengthen its ties with the European Union, with which it holds the status of associated overseas territory, as conferred by the

Treaty of Rome. The European Commission office for the Pacific overseas countries and territories is based in Nouméa. According to the Regional Cooperation and External Relations Department of New Caledonia, the Territory received budgetary support totalling 19.81 million euros (2.3 billion CFP francs) from the European Union under the tenth European Development Fund. That programme, which was focused on vocational training, was completed in 2014. Under the eleventh European Development Fund, New Caledonia will receive 29.8 million euros (3.6 billion CFP francs) between 2017 and 2020. New Caledonia has chosen to direct the funds towards implementing its sectoral strategy on employment and vocational integration for the period 2016–2020.

63. In January 2012, the French Minister for Cooperation, the French Minister for Overseas Territories and the President of the Government of New Caledonia signed an agreement on the hosting of representatives of New Caledonia in French diplomatic and consular missions in the Pacific (Oceania). The first New Caledonian representative was appointed to work out of the French Embassy in Wellington in 2012. According to the administering Power, on 9 March 2017, the Congress of New Caledonia adopted by a majority a country law on New Caledonian representatives which allows the Territory to be represented in States or territories in the Pacific. The conditions for their selection and training were defined in decision No. 84/CP of 16 May 2017. In September 2017, New Caledonia invited applications for the recruitment of four representatives to serve in Australia, Vanuatu, Fiji and Papua New Guinea in 2018, following a training period.

64. According to the administering Power, it should be noted that 2016 was marked by heavy investment by the President of the Government of New Caledonia in the development of relations with neighbouring States (see A/AC.109/2017/11). In 2017, New Caledonia renewed its cooperation agreements with Vanuatu. The Government of New Caledonia intends to develop its economic diplomacy in that area.

VI. Position of the administering Power

65. Following the visit to New Caledonia in November 2014 by the President of France, François Hollande (see A/AC.109/2015/15), the administering Power indicates that the work of the successive committees of signatories has focused on four major areas: promoting voting in so far as possible; supporting studies on the institutional future after the Nouméa Accord; supporting the development of a nickel strategy; and concluding the new generation of development contracts for the period 2017–2021.

66. In his policy statement delivered on 4 July 2017, the Prime Minister, Edouard Philippe, reiterated that France will fulfil its role as actor and guarantor of the referendum process for the accession of New Caledonia to full sovereignty.

67. At the meeting of the Committee of Signatories held on 2 November 2017 under State leadership, the New Caledonian political partners agreed on the political need, on an exceptional basis and for the purposes of the referendum, to automatically include individuals residing in New Caledonia on the general electoral roll, which is a prerequisite for their inclusion on the electoral roll for the referendum. This should enable the special administrative commissions to automatically include persons with customary civil status, mainly Kanaks, on the special electoral roll for the referendum, provided that they have lived in New Caledonia for three years, as evidenced by their inclusion on the register of social security recipients and natives with ordinary civil

status. An organic law will be adopted containing this political agreement. With regard to the organization of the referendum, the partners have agreed on an additional period of registration starting in 2018 and on the need to set up polling stations in Nouméa to allow voters on the islands to exercise their right to vote. The State has undertaken to renew its awareness-raising campaign on voter registration.

68. Following the conclusions of the Committee of Signatories, working groups led by the representative of the State in New Caledonia were established locally to work on the implementation of the Nouméa Accord, especially the transfer of powers under article 27, the agency for rural development and land planning, and nickel strategy.

VII. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

69. At the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Kingstown, in the Caribbean, from 16 to 18 May 2017, the representative of the administering Power took the floor. Two independent experts from New Caledonia also participated in the seminar.

70. At its 2nd meeting, held on 6 April 2017, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples agreed to continue discussions on sending a visiting mission to New Caledonia, with the participation of the administering Power.

71. At the Special Committee's 7th meeting, held on 22 June, the representative of the Bolivarian Republic of Venezuela made a statement. At that same meeting, the Special Committee adopted, without a vote, a draft resolution on the question of New Caledonia, introduced by the representative of Papua New Guinea, speaking also on behalf of Fiji. Before its adoption, the representative of Indonesia joined the sponsors of the draft resolution and the representative of Sierra Leone made a statement (see A/AC.109/2017/SR.7).

B. Special Political and Decolonization Committee (Fourth Committee)

72. At the 2nd meeting of the Fourth Committee, held on 2 October 2017, statements were made by the Permanent Representative of Papua New Guinea and the representative of the Bolivarian Republic of Venezuela (see A/C.4/72/SR.2). At the Committee's 6th meeting, held on 6 October, statements were made by the representatives of France and Sierra Leone (see A/C.4/72/SR.6). At the Committee's 9th meeting, on 10 October, the Permanent Representative of Vanuatu made a statement (see A/C.4/72/SR.9).

73. At its 4th meeting, on 4 October, the Committee heard a statement from the President of the Government of New Caledonia, Philippe Germain. The Committee also heard five petitioners (see A/C.4/72/SR.4).

74. At its 27th meeting, held on 8 November, the Committee adopted, without a vote, a draft resolution on the question of New Caledonia, introduced by the

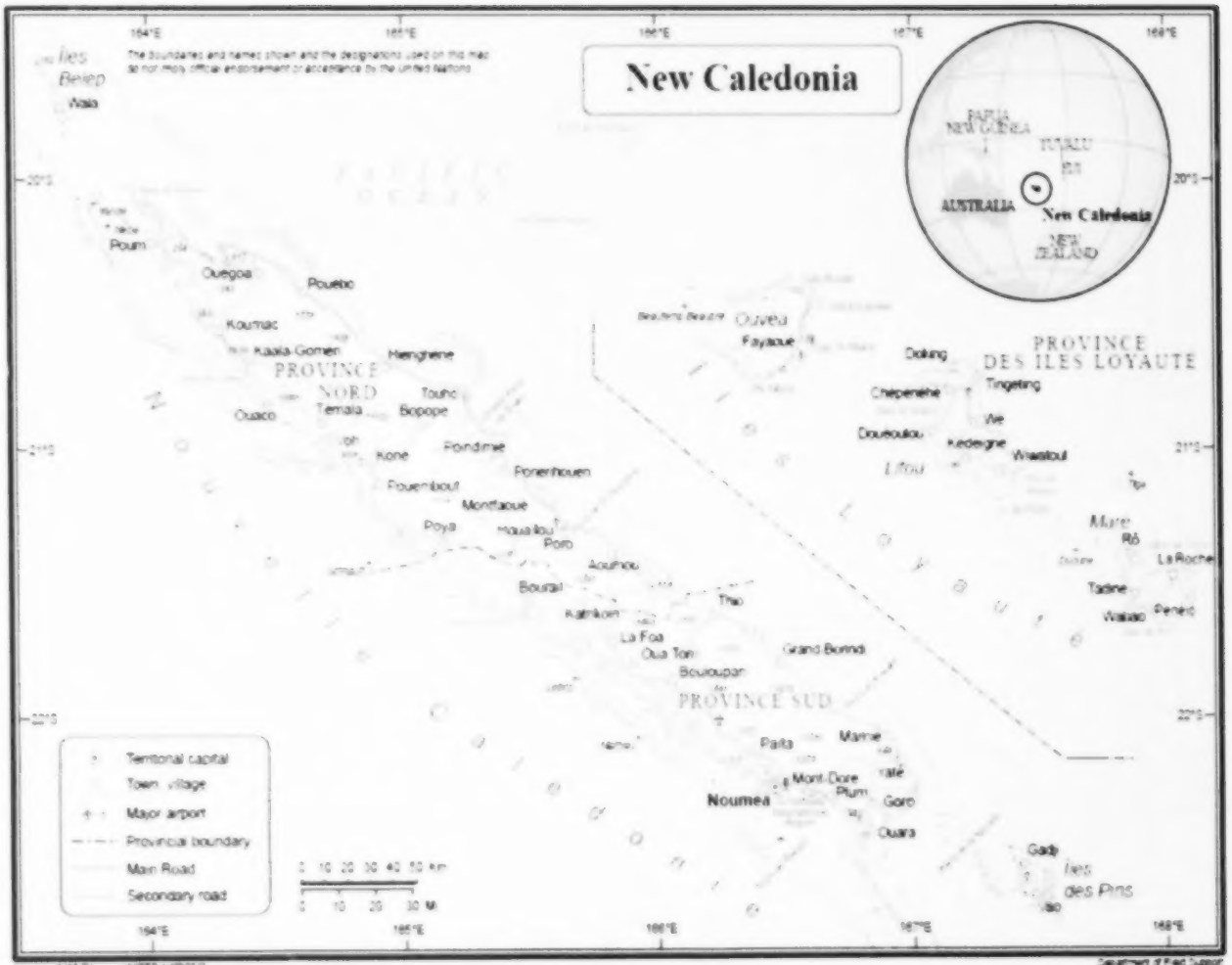
representative of Cuba speaking also on behalf of Indonesia, the Syrian Arab Republic, Sierra Leone and the Bolivarian Republic of Venezuela (see A/C.4/72/SR.27).

C. Action taken by the General Assembly

75. On 7 December 2017, the General Assembly adopted, without a vote, resolution 72/104 on the basis of the report of the Special Committee transmitted to the Assembly (A/72/23) and its subsequent consideration by the Fourth Committee.

Annex

Map of New Caledonia



United Nations A/AC.109/2018/12

General Assembly

Distr.: General
12 February 2018

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Pitcairn

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 e of the Charter of the United Nations. Information was transmitted by the administering Power on 18 December 2017. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Pitcairn is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor: Jonathan Sinclair.

Geography: Pitcairn is located midway between New Zealand and the continent of South America at 25°S and 130°W. It comprises four islands: Pitcairn (the only inhabited island), Henderson, Ducie and Oeno.

Land area: 35.5 km^2 (Pitcairn Island: 4.35 km^2).

Exclusive economic zone (now a maritime protected area): 834,000 km^2.

Population: 48 (2017); this figure includes individuals temporarily abroad.

Life expectancy at birth: Not available.

Languages: The official languages are English and Pitkern, a mixture of eighteenth-century English and Tahitian.

Capital: Adamstown, the only settlement.

Mayor: Shawn Christian

Main political parties: None.

Elections: Elections for the Island Council and Deputy Mayor are held every two years (most recent election: November 2017); elections for the Mayor, the head of the Council, are held every three years. The last mayoral election was held on 9 November 2016.

Economy: The economy of Pitcairn is based largely on fishing, horticulture, the sale of stamps and handicrafts, beekeeping and honey production. Pitcairn receives budgetary aid from the United Kingdom.

Monetary unit: New Zealand dollar ($NZ).

Brief history: Pitcairn is named after Robert Pitcairn, a British midshipman who sighted it in 1767. The island was uninhabited when castaways from HMS *Bounty* (9 mutineers and 18 Polynesians) arrived there in 1790. Most of the inhabitants of Pitcairn today can trace their ancestry back to those mutineers.

I. Constitutional, legal and political issues

1. A new constitution came into effect in March 2010, replacing the Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970. The Governor is appointed by the British Crown. In practice, the High Commissioner of the United Kingdom of Great Britain and Northern Ireland to New Zealand is appointed concurrently as Governor of Pitcairn, and overall responsibility for the administration of the island is accordingly vested in this function.

2. Under the Constitution, the Governor may make laws for the peace, order and good government of Pitcairn after consultation with the Island Council. Laws enacted by the Governor are styled ordinances. All ordinances are subject to disallowance by the British monarch, on the advice of the Secretary of State. The Government of the United Kingdom of Great Britain and Northern Ireland retains the general power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council.

3. Islanders manage their internal affairs through the Island Council, the existence of which is enshrined in the Constitution and the composition and functions of which are established by the Local Government Ordinance (Laws of Pitcairn Revised Edition 2017). The Ordinance confers upon the Council the duty, subject to orders and directions of the Governor, to provide for the enforcement of the laws of Pitcairn and empowers it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the islanders. According to the 2017 revised edition of the Ordinance, the Council consists of seven voting members (the Mayor, the Deputy Mayor and five Councillors, all elected) and three non-voting ex officio members (the Governor, the Deputy Governor and the Administrator (a role created in December 2014)). During elections held in November 2016, Shawn Christian was re-elected as Mayor.

A. Electoral qualifications

4. In order to vote for Island Officers, persons must be at least 18 years old, intend to remain on Pitcairn indefinitely and have been resident there for a specified period: one year if the person has a right of abode on Pitcairn or is a spouse of someone otherwise entitled to vote; two years if the person is a de facto marital partner of a person otherwise entitled to vote; or three years if the person is normally resident on Pitcairn. Anyone who is eligible to vote may also stand for election to any of the island offices, so long as he or she has not been sentenced to imprisonment for three months or more in the past five years. The Island Secretary prepares the register of voters in September/October of each election year, and elections are held between the first and fifteenth days in November (inclusive).

B. Judicial system and human rights

5. The Island Magistrate is appointed by the Governor from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Magistrate's Court in matters beyond the powers of the Island Magistrate. The Magistrate's Court sits with two Assessors, except in specified circumstances. The criminal jurisdiction of the Magistrate's Court is limited to offences triable summarily or either way, to committal proceedings and certain inquiries; and the magistrates have prescribed limits on their sentencing powers. The Magistrate's Court has jurisdiction in civil litigation up to a prescribed level. There

is a right of appeal to the Supreme Court of Pitcairn, which is a superior court of record and has jurisdiction in criminal and civil cases beyond the competence of the Magistrate's Court. The Supreme Court is constituted by a judge sitting alone. The judges of the Supreme Court are the Chief Justice and up to four other judges. The Supreme Court may sit with assessors if it thinks it expedient or practical to do so. There are further rights of appeal to the Pitcairn Court of Appeal, which is composed of a President, two or more Justices of Appeal and the Chief Justice, and to the Judicial Committee of the Privy Council.

6. The Supreme Court has original jurisdiction over alleged breaches of the fundamental rights contained in the Constitution. It has power to make such declarations and orders as it considers appropriate for the purpose of upholding the rights, and may award damages. The Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn.

7. A child safety review conducted in 2015 highlighted the need for continued safeguarding measures on the island. In addition, 11 islanders graduated from the Child Protection Studies programme, a training course accredited by the New Zealand Qualifications Authority, between 2011 and 2013. A further review has recently been concluded, and the outcome and recommendations are expected in early 2018.

8. At the sixth meeting of the Overseas Territories Joint Ministerial Council, held in London on 28 and 28 November 2017, the United Kingdom and the leaders of the overseas territories discussed their shared resolve to continue to promote respect for human rights and compliance with international obligations in the territories. In the communiqué adopted at that meeting, they welcomed the constructive engagement of the territories in the preparations for the universal periodic review process of the Human Rights Council in that regard. The leaders of the overseas territories also reaffirmed their commitment to ensuring the highest possible standards for the protection of children and promotion of children's welfare in the territories. At the meeting, the United Kingdom and the overseas territories discussed progress made in promoting inter-agency cooperation in the territories and the development of national response plans to define policy priorities, noted the particular challenges for those territories affected by the recent hurricanes and agreed that children's welfare should remain a central priority for recovery plans, including through the reconstruction of schools. In addition, they welcomed progress made under a memorandum of understanding to promote more effective collaboration between the overseas territories for the safeguarding of children.

9. In the communiqué, the overseas territories and the United Kingdom welcomed the progress made by the overseas territories with financial centres in implementing the arrangements set out in the exchange of notes on law enforcement exchange of beneficial ownership information, including establishing new and secure systems for the collection, exchange and use of beneficial ownership data, where they did not already exist. The Joint Ministerial Council committed itself to reviewing the effectiveness of the arrangements six months prior to their implementation deadline. It welcomed the cooperation of the overseas territories in international efforts to promote tax transparency and tackle financial crime and the constructive engagement of the overseas territories with the Code of Conduct Group (Business Taxation) of the European Union and at the first meeting of the Global Forum on Asset Recovery. The Joint Ministerial Council reiterated its commitment to showing leadership in tackling corruption and committed itself to prioritizing further work to enable the timely

extension to the territories of the application of the United Nations Convention against Corruption, in particular when territories have requested such an extension, and to set a clear path for that process, building on the meeting held during the seventh session of the Conference of the States Parties to the Convention, held in Vienna from 6 to 10 November 2017.

II. Budget

10. According to the United Kingdom, the 2016–2017 expenditure for Pitcairn, supported by the Department for International Development, was £3.475 million. According to the Department, the financial aid covers citizens' reasonable assistance needs, ensuring the maintenance of a range of basic public services (e.g., electricity and telecommunications) and the provision of part-time public sector employment. Financial aid is also used for medical and educational services, as well as a shipping service that provides a necessary lifeline in terms of freight and passenger services. The prospect of self-sufficiency is very low in the case of Pitcairn because of its size and remoteness. The island's financial aid has increased by some 200 per cent over the last decade (from 2007 to 2017), owing mainly to the cost of the new shipping service introduced in 2008, the associated costs of the four expatriate professionals (police officer, family and community adviser, teacher and doctor) and exchange rate fluctuations. The major recurrent expenditures include shipping and freight subsidies; the costs of off-island professionals who are employed to ensure continued child safeguarding and other medical, police, teaching and social welfare matters; and satellite telecommunications services. Under the tenth European Development Fund, which covers the period 2014–2020, Pitcairn will receive a territorial allocation of €2.4 million, and the indicative amount for the eleventh European Development Fund is also €2.4 million.

III. Economic and social conditions

11. The principal source of income for the public economy had traditionally been the sale of stamps. Owing largely to a downturn in the stamp market, however, the island now receives financial assistance from the Department for International Development. A scaled-down stamp trade continues nonetheless, with six or seven new stamp issues released each year. Pitcairn coins (New Zealand mint) are another collector's item but, as with stamps, generate little revenue. Revenue is also generated from landing fees for tourist arrivals.

12. The Territory's income is also supplemented by the sale of Internet domain names. Internet users worldwide can acquire a ".pn" suffix that is permanently awarded to Pitcairn for, according to the territorial Government, a fee of $100 annually or $10 per month. Also available for purchase are the subdomains ".co.pn", ".net.pn" and ".org.pn", which cost $50 per year.

13. The private economy of Pitcairn is based on the manufacture and sale of handicrafts, some of which are available directly through the Internet. Bartering, mainly with passing ships, is also an important part of the economy. The island's fertile soil produces a wide variety of fruit and vegetables. Some islanders also provide a homestay service to tourists. Pitcairn has no hotels or motels. The Pitcairn Island Producers' Cooperative, established in 1999, promotes and coordinates the distribution of honey and honey products. According to data from the Commonwealth Secretariat, a range of minerals, including manganese, iron, copper, gold, silver and

zinc, have been discovered within the maritime protected area of Pitcairn. Exploitation of these minerals is prohibited under the maritime protected area ordinance.

14. The Government of Pitcairn has developed a five-year strategic development plan, covering the period 2012–2016, reviewed in 2014 and now covering the period 2014–2018, which sets out the views and aspirations of the islanders for the socioeconomic development of Pitcairn. It is based largely on efforts to boost revenue by increasing tourism, small business development and honey production. It is a living document and is frequently updated.

15. Three main challenges to socioeconomic development have been identified by the Department for International Development: the legacy of the child sexual abuse cases and the continuing need to maintain rigorous child protection measures; the ageing population and the declining share of the population that is economically active; and the lack of migration to the island.

16. With regard to the first challenge, the administering Power has put in place interventions to create a substantial child safeguarding framework, and independent reviews took place in 2009, 2011, 2013, 2015 and 2017. Reviews through 2015 recommended continued Government of the United Kingdom leadership and responsibility for overseeing child safety on Pitcairn, continued appropriate vetting of any adults intending to move to Pitcairn, the integration of child safeguarding into all future development planning for Pitcairn, regular review of children's development and circumstances and the continued management and monitoring of known sex offenders. Reviews through 2015 also explicitly recommended that off-island professionals continue to be employed to implement child safeguarding procedures and protocols, with oversight by the administering Power. The report on the review of child safety for 2017 is expected to be issued in 2018; its recommendations were not yet known at the time of writing.

17. Regarding the second challenge, of the resident population of 48, there are only 28 in paid employment. Only seven people in this paid employment group are under 50, and none is in the 20–30 age group. There are currently 27 people on the island over 50, 10 of whom are over 65. By 2025, the age dependency ratio (those under 18 and over 65, compared with the productive population) is expected to be more than 100 per cent, compared with the current ratio of 58 per cent. The situation is having an increasingly negative impact on economic production and health-care costs. The natural growth rate of the population is already below a sustainable replacement rate. From 2001 to 2012, there were only eight births and fewer than five women of childbearing age. The Department for International Development notes that, considering that there are only three options for increasing the population — children being born to islanders, the return of some of the diaspora and/or immigration to the island — this will continue to be a consideration in socioeconomic development planning for the foreseeable future. The implications of an ageing population for future financial aid rounds are that increasing funds will be required in the medium term to assist the ageing population.

18. With respect to the third challenge, in the second half of 2013, a survey was launched to ascertain whether members of the diaspora had any interest in returning to the Territory, and the factors affecting such a decision.

19. According to the final report of the survey, presented in January 2014 by a consultancy firm, the overall response rate was 28 per cent (33 of 120 households). The following three barriers to potential returns were identified: the legacy of the

child sexual abuse cases, acceptance of outsiders and new ideas and accessibility. No significant interest among members of the diaspora in returning to or investing in Pitcairn was identified, and only three respondents expressed interest in living on Pitcairn permanently.

20. It was found that the child sexual abuse cases had created a clear reluctance on the part of members of the diaspora to publicly identify themselves as being from Pitcairn, and had sullied the Territory's reputation. The view was that on-island social norms did not conform to acceptable international norms. Reference was made to multigenerational (long-standing) inappropriate social behaviour. The survey also identified negative perceptions regarding the idea of bringing children to the Territory and concerns related to child protection issues. The need for a community reconciliation process was also identified. According to the administering Power, a reconciliation process involving the entire community successfully took place in August 2017.

21. It was noted that acceptance of outsiders was a complex matter. There was a strong belief that outsiders were not welcomed and would not be able to integrate. Acceptance of outsiders with regard to being eligible and selected for government employment or introducing and/or expanding businesses, governance issues and the need for better structures and qualified people were also flagged as areas of concern.

22. It was also noted that accessibility was repeatedly mentioned as a barrier to immigration, especially in relation to factors such as health (medical evacuations), education and general isolation. As of December 2017, this was the subject of detailed consideration by the administering Power, with a view to introducing an improved transport service in 2019.

23. The repopulation plan, covering the period 2014–2019, prepared by the Island Council, was aimed at attracting and retaining migrants and, to ensure its success, addressing areas such as housing, education and health. This has now been superseded by a new repopulation strategy. Like its predecessor, this new strategy recognizes the paramount importance of encouraging new migrants to Pitcairn to settle or work. In September 2015, in line with the strategic development plan, the Island Council approved an immigration policy designed to further promote immigration and repopulation, bringing people with the skills and commitment necessary to Pitcairn. According to official information provided by the Island Council, between 7 February 2016 and 16 October 2017, there were 1,557 repopulation enquiries from 42 countries. Fourteen settlement applications had been received, and six settlement visas were granted.

24. According to the Department for International Development, it had considered the likely effect on reducing gender inequality when designing the Pitcairn financial aid intervention. The Department also manages the key gender issue of the Territory, which is the legacy of child abuse, ensuring that robust child safeguarding mechanisms are in place. The financial aid intervention also provides for services equally for all islanders, with specific attention given to the needs of children and older persons, as well as support and care for those with mental health issues.

A. Transport

25. Access to Pitcairn is possible only by sea. Currently, a shipping service runs from Mangareva in French Polynesia to the island eight times a year, with four freight runs directly from New Zealand. Cruise ships also call during the tourism season,

which lasts from December to March. Ships visiting the island remain at anchor some distance from the shoreline and visitors are ferried to the island in longboats. According to information provided by the Government of the United Kingdom, plans are being taken forward to improve on-island tourist facilities, in particular for cruise ship passengers, given that tourism development is important to the future prosperity of Pitcairn. An alternative landing facility, supported by the European Development Fund, was completed in March 2017.

B. Communications and power supply

26. A communications system was installed in 2006 and upgraded in 2011. In November 2017, an improved telecommunications service was installed to provide faster and more secure Internet connectivity and telephone services. Communication to the island, given its remote location, is expensive to install, run and maintain.

27. Currently, diesel-powered generators provide 240-volt electric power for 15 hours per day (7 a.m.–10 p.m.).

C. Land tenure

28. A land tenure reform ordinance was enacted at the end of 2006 to ensure that every islander was entitled to an allocation of house, garden, orchard and forestry land. According to the administering Power, work is ongoing to ensure that records are complete, after which further reforms may be identified as necessary and/or desirable. More detailed information on land distribution issues is provided in the 2005 working paper (A/AC.109/2005/10).

D. Employment

29. There is a mixture of government employment and self-employment. Under the new governance structure, introduced in April 2009, most of the working-age inhabitants have at least one part-time government job. According to the administering Power, private enterprise is increasing and is encouraged by the Government of Pitcairn. There are no banks on the island, but cash may be drawn against credit cards and foreign currency may be exchanged at the Government Treasurer's office. In November 2015, the Island Council approved an employment policy and an employment guidance. The policy is intended to support the ability of the Government to meet its objectives within the strategic development plan and provides a solid platform for recruitment, performance management, disciplinary procedures and dispute resolution within the Pitcairn public service. Also in November 2015, an occupational health and safety policy was approved by the Island Council. The purpose of this policy is to ensure that all employees, contractors and volunteers are aware of their responsibilities to the Government and are committed to ensuring the health and well-being of employees, contractors, volunteers and the Pitcairn Island community.

E. Education

30. Education is free and compulsory for all children between 5 and 15 years of age. The only school was completely rebuilt in 2006. Instruction is in English and based

on the New Zealand standard curriculum. The Education Officer is a qualified teacher recruited from New Zealand, usually for a one-year term. For practical reasons, most children attend post-primary education at schools in New Zealand. Overseas secondary education is encouraged through the granting of bursaries, and a number of pupils have received secondary education in New Zealand at the expense of the Government of Pitcairn. Since 2007, citizens from the overseas territories have benefited from the home student fee rate at British universities. In August 2015, the Island Council approved an education policy to provide equal and impartial educational opportunities for the Pitcairn Island community. Students from overseas territories benefit from the home student rate for school fees at British universities, provided that they have lived in a British overseas territory, the European Economic Area or Switzerland for the three years prior to the first academic year of their course of study. In addition, those students have access to funding provided by the European Union for higher or vocational education.

31. Pitcairn has a museum, which was built using funds from a grant from the Government of the United Kingdom. Artefacts on display include stone tools made by Polynesians before the arrival of the mutineers, together with cannonballs, an anchor and a swivel gun from HMS *Bounty*. The Seventh-Day Adventist Church is the only church on the island.

F. Health care

32. A general practitioner is stationed on the island on a one-year contract, assisted by an assistant nurse. The Government of the United Kingdom has also funded a social welfare programme, which includes a family and community adviser. As on other Pacific islands, obesity and diabetes are health problems.

33. At its sixth meeting, the Overseas Territories Joint Ministerial Council welcomed the fact that the Department of Health of the United Kingdom had continued its support for and commitment, in partnership with the territories and Public Health England, to raising awareness of international health regulations and to developing the relevant capacity to respond to major public health incidents, including outbreaks. The United Kingdom and the overseas territories discussed the importance of raising awareness of and building capacity and expertise in the territories for tackling non-communicable diseases, such as obesity and mental health problems, and the impact of those challenges on the populations of the territories. They committed themselves to working together on those important issues so as to share best practices and resources on preventive approaches and the ways in which they could be adapted to respond to local needs.

34. According to the multi-country cooperation strategy for the Pacific 2013–2017 of the World Health Organization, the leading causes of morbidity on Pitcairn include diabetes mellitus, cardiovascular disease, allergies and asthma. Pitcairn actively participates in the Pacific Public Health Surveillance Network and closely monitors communicable diseases. Primary health care is available and accessible to all residents. Health care is financed by the Department for International Development. A growing health-related challenge is the extension of periods of drought. The health centre is equipped with a well-stocked dispensary and X-ray technology. The health worker-to-population ratio is 1.5:47 (including the assistant nurse).

G. Criminal justice

35. According to the United Kingdom, the criminal justice system on Pitcairn is administered through a combination of on-island and off-island processes. Criminal law is contained in local ordinances and regulations, as well as in English law of general application. Charges are laid by a police officer or the public prosecutor. Pitcairn has two police officers: a community police officer appointed from among the island residents and an officer who is recruited from New Zealand, usually for a period of 12 months. The public prosecutor is a lawyer qualified in a Commonwealth country.

36. A public defender is appointed by the Governor to represent defendants in criminal cases, and legal aid is available to any person who has insufficient means to obtain legal representation. A publicly funded community lawyer has also been appointed.

37. More minor criminal matters involving breaches of local ordinances or regulations can be heard before the Island Magistrate. Other summary offences and committal proceedings may be heard before the off-island magistrates in the Magistrate's Court. Magistrates must sit with assessors, selected randomly from among the island residents, for all criminal cases with penalties of more than $NZ 400, unless the defendant has admitted guilt or there are no eligible assessors. Indictable offences must be heard in the Supreme Court.

38. The Magistrate's Court and the Supreme Court may sit in Pitcairn, New Zealand or the United Kingdom. To allow for the distances and difficulty of travel to and from Pitcairn, a judge may order that a person involved in a proceeding participate by live video link. In making an order, the judge is required to give particular consideration to the impact of this on the defendant's right to a fair trial. Appeals can be made to the Court of Appeal and the Judicial Committee of the Privy Council. Work is currently being carried out to further improve criminal procedure and the accessibility of the law and the courts.

IV. Environment

39. Water-quality testing is carried out in all residential and government buildings, and data are recorded. Leaf catchers, first flush diverters and gutter guards have been installed at all residential and government buildings to reduce contaminates. Water flow measurement data are collected from various springs and the secretariat of the Pacific Community is assisting in collating the data and providing technical assistance. A total of 240 water tanks, with a total storage capacity of 1.4 million litres, have been provided, for an overall increase of 268,000 litres. Weather observations are collected on a daily basis, and weather data have been collected since 1945. The secretariat of the Pacific Community provides technical assistance with graphs and averages.

40. As part of the "Blue Belt" initiative, on 15 September 2016, the Minister of the Foreign and Commonwealth Office announced that a law designating a marine protected area around Pitcairn had been brought into force. The administering Power indicated that the law prohibits fishing across more than 99 per cent of the 834,000 square km of ocean surrounding the islands, while sustainable local fishing by Pitcairn residents will be preserved. At the sixth meeting of the Overseas Territories Joint Ministerial Council in London in November 2017, the significant

progress towards creating a "Blue Belt" of marine protection in Pitcairn and other overseas territories was welcomed, and it was agreed that "Blue Belt" objectives would be aligned with the priorities of the territories, including the development of long-term capacity in the territories for the management of the marine environment.

41. The overseas territories biodiversity strategy of the United Kingdom has been devised as a key tool to enable the United Kingdom and overseas territorial governments to meet the relevant international obligations for the conservation and sustainable use of biodiversity. In April 2014, a report was published about ongoing and planned activities that are supported by the Department for Environment, Food and Rural Affairs, the Foreign and Commonwealth Office and the Department for International Development of the Government of the United Kingdom, as well as its statutory adviser, the Joint Nature Conservation Committee, in each of the areas under the strategy. It was noted that the Government of the United Kingdom had awarded £249,946 through the Darwin Initiative to develop a sustainable marine and fisheries management plan for Pitcairn. The project, led by the University of Dundee, will produce a fully operational fisheries and marine management plan that is ecosystem-based and sustainable, which is crucial to providing a secure future for the community and protecting the unique marine biodiversity of Pitcairn. According to the administering Power, draft marine conservation regulations were being prepared as of December 2017. Internal discussions towards establishing a fisheries management plan were also under way.

42. The uninhabited island of Henderson, designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization in 1988, is the largest of the group and the richest in natural resources of the three satellite islands. Environmentalists visit Henderson from time to time, given that it is known for its endemic species of birds and plants in a near-pristine system. In 2011, a non-governmental organization led a project to eradicate rats, which were threatening the bird population. However, the project, to which the Government of the United Kingdom contributed more than £400,000, was unsuccessful and rats remain on the island. The Government of the United Kingdom and the relevant stakeholders are investigating. The Royal Society for the Protection of Birds conducted a monitoring expedition in 2015 to assess the situation, and its report was published on 12 September 2016. According to the report, while the reason for the unsuccessful eradication is still unknown, the expedition did identify a number of issues that need to be resolved before another eradication attempt is conducted. The report contains a recommendation that another scientific expedition will be necessary to assess the operational feasibility of another operation. According to public sources, the rat population is back to levels before the eradication project.

43. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Governments of the United Kingdom and the overseas territories recognized that the destruction wrought by Hurricane Irma and Hurricane Maria had served as a reminder of the vulnerability of the overseas territories to climate change-related events and the devastating effect that they could have on the lives and livelihoods of those who lived there. They committed themselves to continuing the practice of mutual engagement ahead of international forums on climate change, to ensure that the views and priorities of the overseas territories were fully reflected in negotiations. It was agreed that a representative from the territories would attend the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in Katowice, Poland, from 3 to 14 December 2018, as part of the delegation of the United Kingdom, highlighting the value of their presence in helping to amplify the shared message of

the need for a high degree of ambition on climate change-related targets. The United Kingdom reiterated its commitment to working with the overseas territories on the issue of extending the application of treaties concerning climate change to the territories, including taking forward the work to extend its ratification of the Doha Amendment to the Kyoto Protocol to those territories that had indicated their readiness for it, through initial consultation with territories that had an interest in participating in meetings concerning the Paris Agreement to be held in the first half of 2018. The importance of work in the territories on climate change adaptation and mitigation and collaboration between the territories to share best practices on environmental management and climate change issues, including through the annual meetings of ministers of the environment of the territories, was emphasized.

V. Relations with international organizations and partners

44. Since January 2014, Pitcairn has been a partner under decision 2013/755/EU of the Council of the European Union on the association of the overseas countries and territories with the European Union, approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world.

45. Pitcairn is a member of the Pacific Community, which is the oldest and largest organization in the 10-member Council of Regional Organizations of the Pacific, a consultative process that is headed at the political level by the Pacific Islands Forum secretariat. The secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific island countries and territories in such areas as health, human development, agriculture, forestry and fisheries. Pitcairn also participates in the Pacific Community Coastal Fisheries Programme. The following international conventions have been extended to Pitcairn: the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. In May 2016, the Island Council formally requested the extension of the Convention on the Elimination of All Forms of Discrimination against Women to Pitcairn. The Foreign and Commonwealth Office and the Government Equalities Office are liaising with Pitcairn as part of the extension process.

46. According to the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories continued their dialogue on the implications for the latter of the decision by the United Kingdom to leave the European Union (known as "Brexit"). In addition, it was indicated that a clear objective of the exit negotiations was to achieve an agreement that worked for all parts of the United Kingdom family, and the United Kingdom affirmed that it would seek to ensure that the security and economic sustainability of the overseas territories was preserved and, where possible, strengthened post-"Brexit".

VI. Future status of the Territory

A. Position of the territorial Government

47. The most recent statement by a representative of the island's Mayor was made during the Pacific regional seminar on advancing the decolonization process in the Pacific region, held in Madang, Papua New Guinea, from 18 to 20 May 2004. The statement is summarized in the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2004 (A/59/23).

B. Position of the administering Power

48. At the 8th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 9 October 2017, during the seventy-second session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. He said that the territories were an integral part of global Britain and the United Kingdom's commitment to its territories' security and prosperity remained strong, as demonstrated by the swift and comprehensive response to the devastation wreaked in some cases by Hurricane Irma, and the ongoing recovery efforts.

49. The representative of the United Kingdom went on to say that the Joint Ministerial Council was the primary forum for high-level political dialogue between the United Kingdom and the overseas territories. As the United Kingdom negotiated to leave the European Union, it was fully committed to taking into account the priorities of the overseas territories, including Gibraltar. The United Kingdom-Overseas Territories Joint Ministerial Council on European Union Negotiations had been created to discuss the priorities of the territories and determine further areas for collective engagement. He added that the fundamental responsibility of the Government of the United Kingdom, under international law and the Charter of the United Nations, was to ensure the security and good governance of the territories and their peoples.

50. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Government of the United Kingdom and the leaders of the overseas territories indicated that the principle of equal rights and self-determination of peoples, as enshrined in the Charter, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They had committed to explore ways in which the overseas territories could maintain international support in countering hostile sovereignty claims. It was also stated that, for those Territories with permanent populations who wished it, the United Kingdom would continue to support their requests for removal from the list of Non-Self-Governing Territories. The Government of the United Kingdom and leaders of the overseas territories agreed that the fundamental structure of their constitutional relationships had been the right one — powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining those powers necessary to discharge its sovereign responsibilities. They also agreed upon the need

to continue their engagement on those issues to ensure that constitutional arrangements worked and were developed effectively to promote the best interests of the territories and of the United Kingdom.

VII. Action taken by the General Assembly

51. On 7 December 2017, the General Assembly adopted, without a vote, resolution 72/105 on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 (A/72/23) and on the subsequent recommendation by the Fourth Committee. In that resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of Pitcairn to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of the decolonization of Pitcairn, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it is ultimately for the people of Pitcairn to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Welcomed all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through the training of local personnel;

(e) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(f) Also requested the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support socioeconomic and environmental security in Pitcairn, including as regards demographic matters;

(g) Encouraged the Territory to continue to participate in the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, including regional seminars;

(h) Welcomed the work carried out on the preparation of the five-year strategic development plan for the island;

(i) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of Pitcairn and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Pitcairn and the administering Power;

(j) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Pitcairn, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(k) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(l) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

(m) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(n) Requested the Special Committee to continue to examine the question of Pitcairn and to report thereon to the General Assembly at its seventy-third session and on the implementation of the present resolution.

Annex

Map of Pitcairn